City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
December 13, 2011 – 7 PM

Business Meeting – 7:00

1. **Call to Order/Roll Call**
2. **Agenda Review**
3. **Consent Agenda:** Minutes – July 12, 2011 and August 23, 2011
4. **Council Liaison Announcements**
5. **Staff Announcements**
6. **Community Comments**
7. **Old Business –**

   a. SWOT analysis (continued discussion)

8. **New Business**

   a. Denali PUD - The applicant proposes an eight-lot planned unit development (PUD) in the very low density residential zone (VLDR), just east of SW Murdock Road and north of Sherwood View Estates for the purpose of single family homes. The applicant proposes to extend SW Denali Street northward. The applicant proposes a limited amount of open space as required in the PUD.

9. Adjourn

Work Session – Following business meeting

1. Code Clean–Up Review Draft language
   a. Temporary Signs
   b. Commercial and Industrial Uses

Next Meeting:
December 27, 2011

City of Sherwood, Oregon
Draft Planning Commission Minutes
July 12, 2011

Commission Members Present:

Chair Allen
Commissioner Clifford
Commissioner Copfer
Commissioner Cary
Commissioner Walker

Staff:

Julia Hajduk, Planning Manager
Michelle Miller, Associate Planner
Zoe Monahan, Assistant Planner
Heather Austin, Senior Planner

Commission Members Absent:
Commissioner Albert
Commissioner Griffin

Council Liaison – None Present

1. **Call to Order/Roll Call** – Chair Allen called the meeting to order.

2. **Agenda Review** – the agenda consisted of the Head Old Town Change of Use public hearing.

3. **Consent Agenda** – none

4. **City Council Comments** – No Council member present

5. **Staff Announcements** – Julia provided staff announcements including the notice that the City was awarded the TGM Grant for the Town Center Plan and work should begin by the end of the year.

   Previously, the Planning Commission had recommended approval to the City Council of the Open Space Standards updates. That will be heard by City Council at the hearing the week of August 4th.

   As announced at an earlier meeting, Senior Planner, Heather Austin has submitted her resignation and this meeting will be her last Planning Commission meeting. Interviews are being conducted and a new Planner should be selected soon.

6. **Community Comments** – none given

7. **New Business** – Chair Allen opened the public hearing for SP 11-03 Head Old Town Change of Use.

Zoe presented the staff report by explaining that the proposal is for an existing use. The applicant's house which is located on the corner of 3rd Street and Main Street started out as their Home Occupation. Over time as the business has grown the space has been remodeled and can no longer qualify as a home occupation because of the addition of employees and customers. The purpose of the Change of Use is to bring the property into compliance.

The size of the property would typically require a type II land use review, however since the property is located in Old Town, it requires a type IV land use review. Type IV land use applications require a "neighborhood meeting." It was discovered that the neighborhood meeting had not occurred prior to the application being deemed complete. Staff asked the City's legal counsel and got direction on how best to proceed and received several options. The homeowners chose to proceed with the hearing, understanding that a neighborhood meeting may still be required. The purpose of the neighborhood meeting is to give people in the area a chance to comment on any proposed changes prior to the developer submitting their applications. This application does not include any further interior or exterior changes, and there have been no public comments received.

Chair Allen asked the City Engineer Bob Galati where the new sidewalk will end. Bob responded by saying the sidewalk will extend from the ADA ramp at the corner of Main and Third and extend up Main Street, stopping just short of a planter area that contains a Willow tree. This will give ADA access from the roadway to the front door of the business as required by the Building Code.

Applicant testimony: Jacqueline Head, 22344 SW Main Street, Sherwood OR 97140, Gene Head, 8501 SW Iroquois Drive, Tualatin OR 97062. Jacqueline commented that while this process is going to be a bit expensive for them; they have been very happy with the way the City has handled the process. The City staff has been very cooperative and has been good about explaining everything along the way. She stated that if the Planning Commission approves the Change of Use as it is written they will be happy.

With no public testimony given, Chair Allen closed the public meeting.

Commissioner Walker asked about the actual number of street trees required. Zoe clarified that the project was reviewed by the standard that were in place March 9th, which was their submittal day. When they applied they were subject to the old street tree code, which requires 8 trees, but then if they wanted they could go through the street tree removal process asking to be exempt from replanting to be in compliance with today's code.

Chair Allen asked if the trees are being placed in such a way that if that if in the future the site is developed those trees are being placed in areas that will not impede the sidewalk.

Zoe agreed and added that it will be reviewed with the tree plan to ensure future development.

Discussion continued about sign size and utility easements.

Seeing no further issues, Commissioner Walker made a motion to approve SP 11-03, the Head Old Town Change of Use, based on the adoption of the staff report, findings of fact, public testimony, staff recommendations, agency comments, applicant comments and conditions as revised. Commissioner Albert seconded the motion. A vote was taken. All were in favor, the motion passed.

Chair Allen adjourned the meeting and moved onto the Work Session.

End of minutes.

City of Sherwood, Oregon
Draft Planning Commission Minutes
August 23, 2011

Commission Members Present:

Chair Allen
Commissioner Griffin
Commissioner Albert
Commissioner Copfer
Commissioner Cary
Commissioner Walker

Staff:

Julia Hajduk, Planning Manager
Michelle Miller, Associate Planner
Zoe Monahan, Assistant Planner

Commission Members Absent:
Commissioner Clifford

Council Liaison – None Present

1. **Call to Order/Roll Call** – Chair Allen called the meeting to order.

2. **Agenda Review** – the agenda consisted of Code Clean Up on Subdivisions, Public Infrastructure and Site Plan Modifications.

3. **Consent Agenda** – June 14th, 2011. Commissioner Copfer made a motion to adopt the consent agenda. Commissioner Albert seconded. A vote was taken, all were in favor and the motion passed.

4. **City Council Comments** – Chair Allen announced that Council Member Clark would be the new Planning Commission Liaison. She was not present at this meeting.

5. **Staff Announcements** – Julia provided staff announcements including information that the Planning Department has hired a new Senior Planner; Brad Kilby. Brad will be taking on the new sign code updates, so will be in front of the Commission with those soon.
   At the last Council meeting it was decided to add the Brookman Road Annexation to the November ballot. The Council also approved the name change for Adams Avenue South. The new name will be Langer Farms Parkway.
   Langer Farms Parkway is scheduled to be open mid-November.

   Tom Pessemier also made some announcements including: City Council approved the purchase of almost 20 acres of land on the corner of Kruger Road and Elwert Road. It is not currently in the urban grown boundary, but will be in the future.

   City Manager Jim Patterson had been offered a position as City Manager of Corvallis earlier in the day. He has given his resignation letter to the City, contingent on coming to an agreement of contract terms. The Council will be working on the transition of filling hat position.

6. **Community Comments –** none given

7. **Chair Allen opened the public hearing PA-1103 Subdivisions, Public Infrastructure and Site Plan Modifications.**

The Staff Report had been prepared by Michelle Miller; however she was not able to attend the meeting, so Julia presented the Staff Report.

This portion of the Code Clean-Up is directed mainly toward streamlining the development process. The public infrastructure section is being re-organized. Changes include modifying the street design modification process and clarifying when it needs to be submitted. Other changes include the removal of some technical street design standards language and inserting new language to refer to the Transportation System Plan and Engineering Design Manual. Language regarding rough proportionality and clarifying when a transportation study is required is also being proposed. The subdivision, partitions and lot line adjustments changes are primarily reorganizing the chapters. One item of substance being proposed is allowing some flexibility to allow overall average lot sizes.

Julia went through some formatting and scrivener error corrections.

Chair Allen opened the meeting for public testimony. With no one present; then closed the public testimony portion of the meeting and opened the floor to Commission discussion.

Initiated by questions asked by Commissioner Griffin, Julia discussed the term rough proportionality and with Tom's input discussed the references to the Engineering Design Manual and the TSP and indicated that it would be better and clearer to remove the technical information from the code and reference the technical manuals that explain it in full detail.

Discussion continued in general about street medians and who can require or deny them. It was also pointed out that Washington County is referred to several different ways throughout the code. It was agreed that since there may be more than one county involved in the future and for consistency the term should be changed to say "the county". Regarding lot averaging it was reemphasized that under the lot averaging one lot could not be less than 80% of the minimum lot size. The need to clean up the terms regarding plats, preliminary and final plats was discussed and it was determined that it would not need to be specified under each category but if it is a different type it would need to be clarified.

With no further questions, Commissioner Copfer made a motion to recommend approval of PA11-03 to the City Council based on the adoption of staff reports, finding of fact, public testimony, staff recommendation, agency comments, applicant comments and conditions as revised. The motion was seconded by Commissioner Walker. Chair Allen clarified that the Commission was recommending approval to the Council. Julia recommended that it be heard before the City Council at their September 20th meeting. A vote was taken, all present were in favor. The motion passed.

End of minutes.

City of Sherwood Oregon

Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

City of Sherwood
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Mayor
Keith Mays

Council President
Dave Grant

Councilors
Linda Henderson
Robyn Folsom
Bill Butterfield
Matt Langer
Krisanna Clark

City Manager Pro Tem
Tom Pessemier

2009 Top Ten Selection

2007 18th Best Place to Live

Sherwood 2006 All-America City Finalist

DATE: December 6, 2011

TO: Planning Commission

FROM: Julia Hajduk

SUBJECT: SWOT analysis

At the November 8th Planning Commission meeting we began discussing the Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis for the Commission. Attached is a draft of the information discussed. At our meeting on December 13th the Commission will be asked to provide final comments so that staff can finalize the Planning Commissions SWOT analysis.

In addition, the Council requested that the Commission answer the following question: "**What are your top 3 things you would like to work on in 2012?"** Each member present at the November 8th was asked to provide their top 2, which resulted in the following list:

- Use technology better to tap into how people get information and packaging it so that it is more current and "hip"
- Work more closely with Council and other boards
- Move towards getting some of the non-conforming areas (such as the LI areas along Tualatin Sherwood) re-zoned so that they are conforming
- Help make doing business in Sherwood more appealing (urban renewal, entice businesses to Sherwood)
- Get the code clean-up project finished; keep the momentum of the project
- Increase communication with Council to get better and more direction
- Address transportation issues to enable people to get in and out of Sherwood more easily
- Town Center Plan (opportunity to do something really great)

At the meeting on the 13th, the Commission will be asked to refine this list down to the top 3 things you as a Commission want to work on in 2012.

As a reminder, the Commission will be asked to attend the Board and Commission recognition dinner with the Council on December 20th, at which time the SWOT will be discussed.

SWOT analysis (Strengths, Weaknesses, Opportunities, Threats)
Planning Commission – December 20, 2011

The Planning Commission met on November 8 and December 13, 2010 to discuss the SWOT.

Strengths

- Good communication with boards and committees
- Great results and positive feedback from Council from last SWOT
- The Code Clean-Up project has been a great effort and is already helping to streamline the process and make the code easier to understand and use.
- Better technology, including televised meetings on cable access, are helping get more information out to people.
- Planning Commission members are approachable

Weaknesses

- Lack of data and performance data to gauge how well we are doing our jobs (are we accomplishing our goals)
- The Code Clean-Up did not garner a lot of public interest despite multiple methods to try to engage the public. We need to work harder to get people engaged in the process at the point where their input has the most benefit to the process
- Citizens general lack of familiarity with the planning process
- Communication tools, while getting better, still have a long way to go; such as ability to get better two way conversations and to get more information out to the public about the process
- Losing long standing Commission member with history and knowledge

Opportunities

- Technology could be used better and more efficiently to inform and engage citizens
- The web page is a great tool; however the links are not always current. The website could be more user friendly and welcoming
- More clear direction from Council would result in more efficiency. More joint work sessions would be beneficial
- Construction down turn allows staff time to be reallocated to long range planning efforts including code clean-up, code updates and concept plans.
- Using technology to better convey public information
- Code clean-up will help streamline the processes to make it easier to do the right thing.
- Effective communication with Council. The Council liason attending and facilitating that 2-way communication between Council and the Commission

Threats

- Cost of doing business and developing in Sherwood may be a threat to potential developers
- Lack of a culture of community engagement

CITY OF SHERWOOD **Date: December 5, 2011**

Staff Report
Denali PUD (PUD 11-01, and SUB 11-01)

To: SHERWOOD PLANNING COMMISSION

From: PLANNING DEPARTMENT

Pre App. Meeting: November 2, 2010
App. Submitted: February 9, 2011
App. Complete: October 12, 2011
120 Day Deadline: February 9, 2012
Public Hearing: December 13, 2011

Michelle Miller, AICP
Associate Planner

Proposal: The applicant proposes to subdivide a 3.71 acre parcel into eight lots just east of SW Murdock Road and north of SW Denali Lane in the Very Low Density Residential (VLDR) zone. The lots range in size from 10,004 to 12,616 square feet. The applicant proposes a planned unit development (PUD) in this zone order to utilize the special density allowance of 10,000 square foot minimum lot size. The applicant proposes areas of open space in order to comply with the planned unit development requirements. The applicant proposes construction of a local street through the center of the site to connect SW Ironwood Lane to the north and SW Denali Lane to the south.

NOTE: The plan set that the applicant provided identifies Tracts A-E. However, the labeling of the tracts is inconsistently represented on the nine page plan set. In order to clarify which tract is identified in this staff report, please refer to the applicant's materials, sheet 1, "Preliminary Plat" to determine the tract being discussed in this report.

I. APPLICATION INFORMATION

Applicant and Owner	John Satterberg Community Financial PO Box 1969 Lake Oswego, OR 97035
Applicant's Representative	Emerio Design 6900 SW 105th Avenue Beaverton OR 97008 Contact: Kirsten Van Loo 503-956-4180

Tax Lot: 2S133CB01000

Property Description: The parcel is 3.71 acres in size and rectangular in shape with the exception of a narrow strip that extends to SW Murdock at the northwest corner of the site approximately 710 feet long and 25 feet wide. There also is a narrow strip of land on the southeast corner of the site, approximately 210 feet long and 40 feet wide that is proposed to include the sanitary sewer easement.

Existing Development and Site Characteristics: The site slopes steeply upward from north to the south. There is no development on the site. There are eight fir trees approximately 8-10" in diameter on the site that will remain in the southwest corner of the site. There are blackberry bushes in several places on the site that will be removed. A l segment of the site, approximately 710 feet long and 25 feet wide follows along SW Ironwood Lane and has a line of trees bordering the street.

Comprehensive Plan Land Use Designation and Zoning Classification: Very Low Density Residential (VLDR) for residential use and single family homes.

Adjacent Zoning and Land Use: The surrounding properties to the north and south are zoned VLDR and the properties to west and across SW Murdock Road are zoned Low Density Residential. The land use is residential.

Land Use Review: The Planned Unit Development Conceptual Plan is a Type V decision with the City Council as the approval authority after recommendation by the Planning Commission. An eight-lot subdivision is generally a Type III review; however it is being processed concurrent with the PUD. An appeal of the City Council decision would go to the Land Use Board of Appeals (LUBA).

After PUD conceptual plan approval, the development or individual phases must receive detailed final development plan approval. The detailed final development plan requires Planning Commission review and approval and ensures compliance with any conditions of conceptual approval as well as applicable community design standards, etc. The code is not clear regarding the process and fee but it is determined that the final plan and site plan are processed concurrently and heard by the Planning Commission (regardless of development size) with no additional fee beyond the site plan fee.

Neighborhood Meeting: The applicant held two neighborhood meetings over the past year: one on November 23, 2010 and the other on September 19 2011 on the site. The second meeting was attended by approximately 12 people. Some of the issues concerned an increase in traffic, concern about privacy and character of the development. The comments are part of the applicant's materials. (Exhibit A)

Public Notice: Notice of this land use application was posted at two locations at the site and five public locations throughout the city. Notice was also mailed to property owners within 1000 feet of the site and any other party who expressed an interest in receiving mailed notice on November 22, 2011 in accordance with § 16.72.020 of the Sherwood Zoning and Community Development Code. Notice was also published in The Times and Sherwood Gazette newspaper on December 1, 2011.

Review Criteria: Zoning and Community Development Code Sections 16.12 (VLDR), 16.40 (PUD), 16.92 (Landscaping) 16.94 (Off-Street Parking), 16.96 (On-Site Circulation), Division VI (Public Improvements), 16.122 (Subdivision Preliminary Plat), 16.126 (Subdivision Design Standards), 16.142 (Parks and Open Space), 16.144 (Wetland, habitat and natural areas)

For the Planned Unit Development - Upon receipt of the findings and recommendations of the Commission, the Council shall conduct a public hearing pursuant to Chapter 16.72. The Council may approve, conditionally approve, or deny the Preliminary Development Plan. A Council decision to approve the Preliminary Development Plan shall, by ordinance, establish a PUD overlay zoning district. The ordinance shall contain findings of fact per this Section, state all conditions of approval, and set an effective date subject to approval of the Final Development Plan per Section 16.40.030.

Site History: The site was part of the "Ken Foster Farm" site, originally about 40 acres and was used for farming. It was subdivided approximately twenty years ago a portion of which is this 3.71 acre

parcel. The site has remained vacant with no buildings. It is known that portions of the larger Ken Foster Farm site had been used for discarding animal hides and carcasses that were remnants from the local tannery operation in the city. As part of the Department of Environmental Quality (DEQ) investigation of the Tannery site on SW Oregon Street, it was discovered that the soil on the Ken Foster Farm site was contaminated. The property to the northeast, Ironwood Subdivision, was in development when the issue became known which required significant soil removal and oversight from the Department of Environmental Quality (DEQ).

An excerpt from the Department of Environmental Quality Technical Memorandum dated July 13, 2005 describes that from 1962 to 1971, tannery wastes from the Frontier Leather Company were applied by Mr. Foster to several areas of pasture land. Liquid sludge from tannery's primary wastewater settling tanks was also distributed on the site.

DEQ entered the Ken Foster Farm site into the Environmental Cleanup Site Information Database in 2000, and completed a Preliminary Assessment (PA) in 2004, funded by cooperative grant funds from the Environmental Protection Agency (EPA) Region 10. (DEQ Technical Memorandum) The results of the soil sampling completed for this site listed concentrations of antimony, chromium, lead and mercury above expected background concentrations. In addition sediment samples from the wetland areas on the site were found to contain elevated concentrations of chromium copper, mercury and zinc on a nearby parcel. They found that the human health risk based upon the soil results from the EPA Impervious Area results and data from property-owner site investigations on two of the properties within the former Farm acreage was relatively low, according to the report. Since valid soil sample tests of the subject site indicate that hexavalent chromium was not present in soils, and that the prevalent form of chromium in soils is trivalent chromium. The other concentrations do not present an unacceptable human health risk on an individual contaminant basis. The DEQ concluded that the chance of significant exposure to residents living around these areas is low under current conditions.

The applicant's representatives met with the DEQ on January 6, 2011 where Mark Pugh of DEQ indicated that the cleanup on this site would be based on the site specific ecological risk based concentration (RBC) s for exposure to chromium in soil. DEQ indicated that a site specific RBC was specifically developed to protect terrestrial birds due to the potential for bioaccumulation and because avian receptors are considered to be the most sensitive to the effects of chromium.

The soil samples that were collected by the applicant's representative on the subject site indicate that in five of the six samples taken, concentrations of chromium exceeded the "hot spot" criteria of 1,300 mg/kg, requiring removal. (Applicant's Materials Exhibit A, page 5 of BB &A Environmental report). The applicant proposed a method of how they will address the soil contamination in their in their application materials. They plan on capping the soil and adding clean soil on top of the capped soil. This will be subject to the approval of the DEQ and prior to development of the site.

The site is also part of the SE Sherwood Master Plan, which was approved in concept by the Planning Commission via resolution in 2006. Although not formally adopted and incorporated into the Comprehensive Plan nor adopted by the City Council, it does provide guidance for development and the intention of the community and surrounding property owners for the area. Had it been formally adopted, it would have required amendments to the SZDC regarding the density requirements in this particular zone as the density shown in the plan is much higher than the existing special density allowance currently allowed in the VLDR.

II. PUBLIC COMMENTS

Mrs. Beverly Baugus, 14092 SW Ironwood Lane, Sherwood submitted comments on December 1, 2011 and raised safety concerns about the increase in traffic of SW Ironwood Lane with the new subdivision. Ms. Baugus is concerned that vehicles traveling on SW Murdock Road will not see vehicles waiting to turn onto SW Ironwood Lane. The current conditions of SW Ironwood Lane make it difficult to pass oncoming traffic especially if emergency vehicles are needed in the area.

Staff Response: The existing design of SW Ironwood is not up to City standards and as part of the development approval, staff recommends that SW Ironwood Lane be improved on the applicant's portion of the roadway in order to make the street more accessible and safe for vehicular and pedestrian traffic. The speed limit on SW Murdock Road is 25 mph heading northward and site distances and visibility will be evaluated during the engineering approval process.

III. AGENCY/DEPARTMENTAL COMMENTS

The City requested comments from affected agencies. All original documents are contained in the planning file and are a part of the official record on this case. The following information briefly summarizes those comments:

Sherwood Engineering Department has reviewed the proposal and provided comments which have been incorporated into this report and decision. The City Engineer provided a letter of concurrence with the proposed street design modifications which is included as Exhibit B.
The City Engineer wanted the applicant to be aware that the preliminary plat drawings were inadequate for the purposes of the Engineering submittal. The basic development plan layout does not meet the requirements of Section 115.2.1 of the Engineering Design and Standard Details Manual (Manual). The plans do not show topographic items a distance of 200 feet outside the site boundary. The existing topographic information ends at the site boundary. The applicant should read and conform to the requirements of the Manual when developing the project drawings.

RECOMENDED CONDITION: Prior to approval of the public improvement plans, comply with the requirements delineated in the City's Engineering Design and Standard Details Manual.

Clean Water Services provided comments and recommended conditions which are included as Exhibit C to this report.

Tualatin Valley Fire and Rescue (TVF&R) provided comments which are included as Exhibit D to this report.

Department of Environmental Quality
The applicant met with the Department of Environmental Quality (DEQ) in January 2011 as they prepared their land use application submittal. Mark Pugh of the DEQ provided the applicant with some preliminary guidance on possible alternatives for the soil cleanup on the site. Since the land use application was submitted, staff discussed the proposal with Mark Pugh who plans on providing specific written comments by the date of the hearing that will be available at the hearing.
Preliminary comments include a requirement that the applicant follow DEQ recommendations for the cleanup of the site before issuance of any City permits for the development. This will be discussed further within this report. Staff provided a DEQ Fact Sheet on the Former Ken Foster Farm Site that is attached as Exhibit E.

IV. PLANNED UNIT DEVELOPMENT

The Commission shall review the application pursuant to Chapter 16.72 and may act to recommend to the Council approval, approval with conditions or denial. The Commission shall make their recommendation based on the following criteria:

Chapter 16.40

PLANNED UNIT DEVELOPMENT (PUD)

16.40.010 Purpose

A. PUDs integrate buildings, land use, transportation facilities, utility systems and open space through an overall site design on a single parcel of land or multiple properties under one or more ownerships. The PUD process allows creativity and flexibility in site design and review which cannot be achieved through a strict adherence to existing zoning and subdivision standards.

B. The PUD district is intended to achieve the following objectives:

1. Encourage efficient use of land and resources that can result in savings to the community, consumers and developers.

This area of the City has remained relatively undeveloped for a lengthy period of time. The PUD development will preserve significant open space and connect two existing streets together in keeping with the intention of the SE Sherwood Master Plan. Additionally, the site will be easily accessible to infrastructure connections due to its proximity to existing development. Currently, there are under 40 vacant “shovel-ready” buildable lots remaining within the City and a limited number of lots at this particular size, thus providing a unique lot size for residential development within the City boundaries.

Additionally, this site has several constraints that have made it difficult to develop within the confines of the VLDR zone. A PUD will allow a limited increase in density that will make the project more feasible rather than the primary zoning.

FINDING: Based on the above discussion, the applicant meets this objective.

2. Preserve valuable landscape, terrain and other environmental features and amenities as described in the Comprehensive Plan or through site investigations.

The special density allowance within the VLDR provides for a limited amount of increased density and therefore helps preserve the unique landscape and environmental features and amenities of the site. The applicant was required to obtain a Clean Water Service Provider Letter. Clean Water Services (CWS) required a geotechnical report as part of the service provider letter (SPL). A geotechnical report has been submitted as part of the application. The buffer impact and mitigation areas delineated in the SPL exhibits and the related requirements noted in the SPL have not been incorporated into the planning submittal plan sheets. These items will need to be incorporated into the engineering plan sets prior to any approval being granted.

The landscaping plans shall incorporate the requirements of the SPL. Requirements 21 through 24 of the SPL specifically relate to the information that is required to be included in the plan set. The applicant will be required to meet several conditions. The applicant proposes to create Tract B and C to serve as part of the vegetative corridor buffer.

FINDING: Based on the above discussion, the applicant appears to meet the PUD objective but cannot fully comply without the following conditions in regard to the preservation of environmental features.

RECOMMENDED CONDITION: Prior to recording the final plat, comply with the conditions as set forth in the Service Provider Letter No. 10-002401, dated July 14, 2011.

RECOMMENDED CONDITION: Prior to recording the final plat, provide an easement over the vegetated corridor conveying storm and surface water management to CWS that would prevent the owner of the vegetated corridor from activities and uses inconsistent with the purpose of the corridor and any easements therein.

RECOMMENDED CONDITION: Prior to recording the final plat, provide detailed plans showing the sensitive area and corridor delineated, along with restoration and enhancement of the corridor.

RECOMMENDED CONDITION: Prior to issuance of a grading or erosion control permit, provide DSL and Corps of Engineers permits for any work in the wetlands or creek.

RECOMMENDED CONDITION*:* Prior to approval of the public improvements, a note shall be added to the construction plan set that states that the project shall comply with the recommendations outlined in the geotechnical report prepared by GeoPacific Engineering, Inc., dated August 26, 2011.

RECOMMENDED CONDITION*:* Prior to approval of the public improvements, submit plans that identify the buffer and mitigation areas and related mitigation measures and notes delineated in the SPL shall be incorporated into the grading and ESC plan sheets of the planning and construction plans submittals.

3. Provide diversified and innovative living, working or neighborhood shopping environments that take into consideration community needs and activity patterns.

The proposed lots are similar to the surrounding lots within the VLDR zone. The site design connects with the other surrounding to both SW Denali Lane and SW Ironwood Lane, creating a more walkable neighborhood throughout. The development will have access to a usable open space that is somewhat limited in this area. Murdock Park is the nearest public park and Sherwood View Estates subdivision does not have any usable open space. The area designated open space within this neighborhood can improve the other neighborhoods with improved connection to usable opens space and an improved street grid.

FINDING: Based on the above discussion the applicant meets this objective.

4. Achieve maximum energy efficiency in land uses.

The applicant proposes to connect with the existing main lines and utilize the existing services such as roadway infrastructure and water, sanitary and sewer lines. This promotes energy efficiency in land uses as it is nearby already developed properties.

FINDING: Based on the above discussion, the applicant meets this objective.

5. Promote innovative, pedestrian-friendly, and human scale design in architecture and/or other site features that enhance the community or natural environment. (Ord. 2001-1119 § 1)

The applicant has proposed a development that connects with the surrounding neighborhood. The applicant chose a type of architecture from the architectural pattern book that will be compatible with the existing neighborhood as the surrounding properties have Pacific Northwest style architecture and are all larger single family homes. The applicant shows that the neighborhood will connect on a human scale by connecting the sidewalk on SW Murdock Road and SW Denali Lane with the surrounding Sherwood View Estates neighborhood. Additionally, the applicant proposes that the area of open space be accessed with a pathway surrounding the open space area. This will enhance the neighborhood feel in the area, provided that the applicant identify amenities such as lighting, signage and street furniture such as park benches or tables that will make the open space inviting for pedestrians. This will allow the open space to serve as an outdoor gathering place for the area.

FINDING: Based on the above discussion, the applicant meets this objective.

16.40.020 Preliminary Development Plan
A. Generally
A PUD Preliminary Development Plan shall be submitted for the review and approval in accordance with Chapter 16.72. PUDs shall be considered: a.) on sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of: natural features such as floodplains, wetlands, and extreme topography, or man-made features, such as parcel configuration and surrounding development; b.) on parcels of land within the Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; or c.) in other areas deemed appropriated by Council during the adoption of a concept plan required by a Metro UGB expansion.

The applicant proposes a PUD in order to capitalize on the special density allowance allocated for this zone. The site contains contaminated soils and is constrained due to the wetland nearby and the steep slope of the site. The developer will remediate the soil and provide the community with the added benefit of provide a connection to SW Denali Lane and improved connection on SW Ironwood Lane.

FINDING: Based on the above discussion, the applicant meets this criterion.

C. Commission Review

The Commission shall review the application pursuant to Chapter 16.72 and may act to recommend to the Council approval, approval with conditions or denial. The Commission shall make their decision based on the following criteria:

1. **The proposed development is in substantial conformance with the Comprehensive Plan and is eligible for PUD consideration per 16.40.020. A.**

The applicant proposes a development that is conformance with the Comprehensive Plan as it meets or can meet with conditions the criteria of the adopted SZDC. It is capable of consideration for a PUD as it is within the VLDR zone, which based on its zoning, is classified as an environmentally sensitive area.

The applicant contends and staff agrees that that in its present zoning category has limited development potential due to the cost of cleaning up the contaminated soils and topography of the site. Cleaning up the contaminated soils will satisfy the public benefit of making the site useable and safe for the surrounding area.

FINDING: Based on the above discussion the applicant can meet this criterion or is able to meet the criterion as conditioned further within this report based on the applicable code provisions.

2. **The preliminary development plans include dedication of at least 15 percent of the buildable portion of the site to the public in the form of usable open space, park or other public space, (subject to the review of the Parks & Recreation Board) or to a private entity managed by a homeowners association. Alternatively, if the project is located within close proximity to existing public spaces such as parks, libraries or plazas the development plan may propose no less than 5% on-site public space with a detailed explanation of how the proposed development and existing public spaces will together equally or better meet community needs.**

The buildable portion of the site is approximately 2.36 acres which includes the designated open space of Tract D and the eight proposed lots. Fifteen percent of the buildable portion is 15,420 square feet. The applicant proposes that Tract 'D', approximately 15,864 sq. feet would serve as the usable open space to meet this requirement. The applicant proposes a bark dust path to circumvent the tract and connect with the sidewalk at the northeastern corner of SW Ironwood Lane and at the southeastern corner of SW Denali Lane.

This open space area will be accessible to all of the surrounding area and preserve the views of the region. The applicant shows that the open space will be accessed via a 10 ft. wide pathway from SW Denali Lane onto the southern edge of the site along Lot 8 and the adjacent property, 23524 SW Denali Lane. The pathway from the street will be approximately 156 feet before reaching the larger open space and the applicant will need to have signage in order to make sure the area is available and welcoming to all properties, and not just used by Lots 7 and 8. Other amenities should be considered such as benches, tables, or other structures either for play or for exercise in order to make this a truly inviting and public space. The applicant has provided the square footage and pathway, but further details are in order to fully comply with this section.

The applicant proposes that the Home Owner's Association will maintain Tract A and this will be conditioned further within this report. This will provide a long term solution to the ongoing maintenance of the site.

Due to the proposed composition of the pathway and the steepness of the slope, the City Engineer determined that the alignment proposed and comprised of woodchips relative to the grades do not appear to make a walkable path because grades would approach 22%.

The applicant makes the argument that Tract 'A', consisting of a long strip approximately 25 feet wide and 710 feet long, is also considered open space because it will provide a meandering pathway from SW Murdock Road to the subject property along SW Ironwood Lane.

However, the City Engineer indicates that this strip is part of the public improvements required to provide SW Ironwood Lane with sidewalks and a planter strip, making it in compliance with a local street design. When the Ken Foster Farm site was divided, it created three large parcels with three 25 foot strips accessing SW Murdock Road. With the development of Ironwood Acres, the center portion of the road was dedicated and paved, but without curb or sidewalks. As part of this development, the City Engineer recommends improvement of this strip and dedication to the public for a sidewalk, curb, paved roadway portion and treatment of the storm water runoff. This will be discussed further under the public improvement section of this report. For the purpose of this criterion, it will not be considered as part of the open space requirement.

FINDING: Based on the above discussion, the applicant meets this criterion on the concept of open space. However, the following conditions are required to ensure that Tract D be a usable open space by all of the property owners within the development.

RECOMMENDED CONDITION: Prior to approval of the public improvements, provide a pathway alignment that does not exceed a 15% grade for the open space area known as Tract D**.**

RECOMMENDED CONDITION: Prior to final development plan approval, submit a detailed plan for Tract D, the open space area that describes a cross section detail and includes the type of materials that will be used for the pathway, landscaping, signage, street furniture and other pedestrian and neighborhood amenities on site to satisfy the open space requirements.

3. That exceptions from the standards of the underlying zoning district are warranted by the unique design and amenities incorporated in the development plan.

The VLDR is unique from the other residential zones in that it specifically identifies a special density allowance for a PUD because of distinctiveness of the area and the community's desire to preserve the natural resource and landscape with limited development. The applicant provides for the required open space and also connects the roadways of SW Ironwood and SW Denali Lane. Additionally, the applicant proposes to clean up the soil contamination that has been present for at least 30 years. These amenities and improvements unique to the site warrant consideration of a planned unit development. By creating a PUD in this area, it ensures that open space will be incorporated into the development rather than larger privately held lots. The amenities will be part of the PUD and unique to this development.

FINDING: Based on the above discussion the applicant meets this criterion.

4. That the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatments, vernacular, and scale subject to review and approval in Subsection (B)(6).

The larger lot sizes are compatible with the surrounding developments as Sherwood View Estates are also zoned VLDR along with the properties to the west and north of the site that have not been developed to their full potential. The applicant has identified in the architectural pattern book that they will use Pacific Northwest design that is compatible with the surrounding development.

FINDING: Based on the above discussion, the applicant meets this criterion.

5. That the system of ownership and the means of developing, preserving and maintaining parks and open spaces are acceptable.

The applicant proposes that the open space be monitored through a home owner's association and developed as conditions within the CC & R's. This is a suitable resolution, but a condition is required in order to fully comply.

FINDING: Based on the above discussion, the applicant does not meet this criterion, but can do so with the following criterion.

RECOMMENDED CONDITION: Prior to the final development plan approval, provide CC & Rs that document how the open space will be maintained by the neighborhood association.

6. **That the PUD will have a beneficial effect on the area which could not be achieved using the underlying zoning district.**

The underlying zoning district allows for a density of up to one unit per acre. Because development is very limited on the site coupled with the known soil contamination and environmental constraints, the site would likely continue to remain undeveloped for many years to come if the developer was required to adhere to the regular density standard of one dwelling unit per acre. The applicant argues that the special density allowance of the VLDR zone allows for the site to be developed in a more financially feasible manner in order to install the appropriate infrastructure and remediate the soil. The applicant believed that they could not recoup the cost of the cleanup if the larger lot size was required through the standard zoning.

The proposed development also will have a beneficial effect on the area by extending several stub streets that may not have been able to be connected if the site did not develop into a PUD. The idea for the street connection follows the intention of the SE Sherwood Master Plan.

The applicant submitted an environmental assessment report prepared by BB&A Environmental, January 13, 2011. The report is unsigned and does not document the authorship. The report does contain a statement regarding a discussion with DEQ about capping soils disturbed during overall site development and prior to residential individual site development; however the report provides no statements of recommended actions on which to hold the applicant accountable. In the applicant's materials, the applicant is considering that environmental cleanup of the site is adequate enough to call the site developed and not include construction of the public infrastructure. The City requires a standard Compliance Agreement that includes construction of the public infrastructure, not just the planning of it. Cleanup and remediation of the site should be viewed as a part of the construction process.

The City Engineer is also concerned that stormwater runoff from the site must be free of contamination during and post construction. The City Engineer recommends that a written protocol plan be developed and included as part of the engineering submittal and complied with by the contractor.

Additionally, as discussed above, the applicant proposes a large open space area that will be a beneficial amenity for the surrounding neighborhood.

FINDING: Based on the above discussion, the applicant does not meet the criterion, but can do so with the following conditions.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, provide the appropriate recommendations from a registered professional civil/environmental engineer or geotechnical engineer regarding how the soils are to be handled to prevent contaminated material from leaving the site. These recommendations are to be complied with in the development of the construction drawings and may require full review and approval from DEQ as part of the City approval process.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, comply with the requirements of the DEQ pertaining to the cleanup of the contaminated soils on site.

RECOMMENDED CONDITION: Prior to approval of the final plat, construct all public improvements in the delineated timeline as required by the City's Compliance Agreement.

RECOMMENDED CONDITION: Prior to obtaining the Certificate of Final Occupancy, construct and install the pathway and other Tract D open space amenities described in the final development plan.

7. **That the proposed development, or an independent phase of the development, can be substantially completed within one (1) year from date of approval.**

The applicant proposes to complete the development within one year and thus is able to satisfy this condition. In the alternative, if the applicant is unable to complete the project, safeguards are in place including creating a phasing plan or lapsing of the land use approval in order to meet this criterion.

FINDING: Based on the above discussion, the applicant meets this criterion.

8. **That adequate public facilities and services are available or are made available by the construction of the project.**

The City Engineer has reviewed the preliminary plat and determined that the site is serviceable or able to be served with conditions outlined further within this report**.**

FINDING: Based on the above discussion, the applicant meets this criterion or may be conditioned to meet this criterion further within this report.

9. **That the general objectives of the PUD concept and the specific objectives of the various categories of the PUDs described in this Chapter have been met. (Ord. 2001-1119 § 1; 98-1053; 86-851)**

FINDING: Based on the above discussion earlier within this report, the applicant meets this criterion.

10. **The minimum area for a Residential PUD shall be five (5) acres, unless the Commission finds that a specific property of lesser area is suitable as a PUD because it is unusually constrained by topography, landscape features, location, or surrounding development, or qualifies as "infill" as defined in Section 16.40.050(C)(3). (Ord. 2001-1119 § 1)**

The site is 3.71 gross acres which does not qualify it for a PUD outright. However, because the site is zoned VLDR zone, it is considered to be within “natural resource and environmentally sensitive areas warranting preservation, but otherwise deemed suitable for limited development,” according to the purpose statement of this zone. The subject site in particular is steeply sloped and the surrounding development contains a wetland area as well as another planned unit development to the south of the property making it unusually constrained. The applicant is not able to add adjacent parcels to the proposal as the surrounding property is already developed and is under separate ownership. Even if the site was a bit larger and satisfied the five acre minimum of a PUD with this particular zoning, it would still only be a maximum of two units added to the proposal in order for it to comply with the special density allowance granted for VLDR PUDs.

FINDING: Based on the above discussion, the applicant meets this criterion.

E. Effect of Decision

Approval of the Preliminary Development Plan shall not constitute final acceptance of the PUD. Approval shall, however, be binding upon the City for the purpose of preparation of the Final Development Plan, and the City may require only such changes in the plan as are necessary for compliance with the terms of preliminary approvals.

FINDING: The applicant is aware that a final development plan will be required upon approval of the preliminary development plan. This criterion cannot be met at this time, but can be met with the final development phase submittal that is in substantial compliance with the approval of the PUD.

16.40.050 Residential PUD

A. Permitted Uses

The following uses are permitted outright in Residential PUD when approved as part of a Final Development Plan:

1. **Varied housing types, including but not limited to single-family attached dwellings, zero-lot line housing, row houses, duplexes, cluster units, and multi-family dwellings.**

2. **Related NC uses which are designed and located so as to serve the PUD district and neighborhood.**

3. **All other uses permitted within the underlying zoning district in which the PUD is located.**

FINDING: The applicant proposes residential uses and all lots will be for single family homes, the only permitted housing type within this zone.

B. Conditional Uses

A conditional use permitted in the underlying zone in which the PUD is located may be allowed as a part of the PUD upon payment of the required application fee and approval by the Commission as per Chapter 16.82. (Ord. 86-851 § 3)

FINDING: The applicant does not propose a conditional use, and thus this criterion is not applicable.

C. Development Standards

1. Density

The number of dwelling units permitted in a Residential PUD shall be the same as that allowed in the underlying zoning district, except as provided in Subsection (C)(2), below or 16.40.040.C above.

The SZDC § 16.10 defines density as "(t)he intensity of residential land uses per acre, stated as the number of dwelling units per net buildable acre. Net acre means an area measuring 43,560 square feet after excluding present and future rights-of-way, environmentally constrained areas, public parks and other public uses." The VLDR zone is unique that there is a special density allowance permitting a greater density (two units) than what would be allowed in the underlying zoning designation (one unit) if the applicant requests a planned unit

development. No other residential zoning has a special density zoning allowance within a PUD or other zoning classification. The effect of the special density allowance grants two units per acre rather than the underlying zoning density of up to one unit per acre.

In this case, there are approximately 1.99 net buildable acres because environmentally constrained lands, right of way, as well as the open space area are all excluded in the overall calculation of net buildable acreage. Calculating net density under the special density allowance of two units per acre provides for up to four units (1.99 net acres x 2 units). Tract A, B, C, D and E are not developable for a number of reasons either due to the irregular shape of the subject parcel, the steep slopes of the site, used for the public or the required vegetated corridor buffer, the requirement of the open space or the location of the utilities.

In order to make the site financially feasible, the applicant proposes to subdivide the site into eight lots. Contrary to the standard definition of density, the applicant proposes to use a gross density calculation rather than the net density described above because the site is unusually constrained. Additionally, the applicant contends that calculating gross density rather than net provides for better preservation of the natural resources in the area and allows for recoupment of the costs of cleanup of the contaminated soils. Calculating under the gross density calculation provides for 7.42 units and the applicant requests that the decision maker round up to get 8 units. The applicant proposes eight units because each lot meets the minimum lot size and the applicant satisfies the required 15 % of open space. According to the applicant, development at any lower density would not make the site financially viable and the site would remain undeveloped.

Staff would argue that the using net density has been the standard means of calculating density in subdivision projects within the City and based on the definition. However, this project is indeed unique with special environmental constraints and costly contaminated soils and the VLDR allows for a special density allowance of two. The provisions in that section do not specifically call out whether gross density could be used instead of net density as the applicant contends. However, common math practices would dictate that the number 7.42 is not able to be “rounded up” to 8 as it is below .5.

FINDING: Based on the above discussion the applicant does not meet this criterion, but can do so with the condition under the specific density transfer section.

2. Density Transfer

Where the proposed PUD site includes lands within the base floodplain, wetlands and buffers, or steeply sloped areas which are proposed for public dedication, and such dedication is approved as a part of the preliminary development plan, then a density transfer may be allowed adding a maximum of 20% to the overall density of the land to be developed.

The proposed special density for the site has been discussed above. The following table describes the five tracts and purpose for each tract to determine whether the density transfer allowance should be allowed in this circumstance.

Name	Size of Tract	Purpose of Tract
Tract A	17,932 sq. ft.	Roadway extension adj. SW Ironwood
Tract B	2360 sq. ft.	Water quality bio-swale
Tract C	5148 sq. ft.	Steep slope and vegetated buffer
Tract D	15,864 sq. ft.	Open Space
Tract E	8365 sq. ft.	Sanitary sewer easement

This site in particular is constrained with steep slopes and wetland buffers. The applicant proposes to dedicate steeply sloped areas and wetland buffers in order to comply with Clean Water Services requirements. (Tract B and C). These tracts are available for a density transfer per this section.

The maximum special density allowed in the VLDR is 2 units per net buildable acre and thus an increase of 20 % would be 2.4 units per net buildable acre. Based on the net buildable acreage of 1.99 (total of the proposed eight buildable lots) multiplied by 2.4 units, would allow a total of five lots on the site. This allows for one additional unit with the density transfer.

As discussed earlier, the applicant proposes eight lots because the applicant uses gross density 3.72 acres x 2 units (Special Density Allowance) to calculate the density and number of lots available for this site. Based on that calculation the applicant gets 7.42 units and then rounds up a lot because of the special constraints on the site. Staff cannot agree that gross acreage is the appropriate multiplier to use because there is no precedent as to the methodology used in the VLDR zone. The special density allowance gross acreage that the applicant proposes would exceed the density transfer allowance by a total of at least three lots.

FINDING: Based on the above discussion, the applicant does not meet this criterion. This criterion could be met with the following condition.

RECOMMENDED CONDITION: Prior to final development approval, redesign the preliminary plat to identify five lots with a minimum lot size of 10,000 square feet.

3. Minimum Lot Size

The minimum lot size required for single-family, detached dwellings is 5,000 square feet, unless the subject property qualifies as infill, defined as: parent parcel of 1.5 acres or less proposed for land division, where a maximum 15% reduction in lot size may be allowed from the minimum lot size. (Ord. 2001-1119 § 3; 86-851)
(Ord. No. 2008-015, § 1, 10-7-2008)

FINDING: The applicant proposes lots sizes of over 10,000 square feet, thus satisfying this criterion.

V. PRELIMINARY PLAT – REQUIRED FINDINGS

16.122 Required Findings

No preliminary plat shall be approved unless:

A. Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.

The applicant proposes to construct a public street through the development to connect with the existing street to the north at SW Ironwood Lane and to the south at SW Denali Lane. The applicant requested a street modification in order to address the slope of the street and corresponding speed due to the lot configuration. This will be discussed under the relevant criterion.

FINDING: Based on the above discussion, the applicant meets this criterion or can be conditioned further within this report under the public improvement section.

B. Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.

FINDING: No private streets are proposed; therefore, this standard is not applicable.

C. The plat complies with Comprehensive Plan and applicable zoning district regulations.

FINDING: This standard is satisfied through compliance with the applicable criteria discussed throughout this report. If necessary, conditions are imposed to ensure compliance.

D. Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.

FINDING: As discussed further within this report, (Public Improvements), adequate water, sanitary sewer and other public facilities exist or will be constructed to support the lots proposed in this plat. In addition, the applicant will be required to come in for detailed PUD approval at which time additional review can and will be provided.

E. Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.

FINDING: While there are no adjacent properties under the same ownership, the applicant proposes to connect with SW Ironwood Lane and SW Denali Lane, which allows development on adjoining properties. Thus, the applicant meets this criterion.

F. Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.

FINDING: All adjoining properties have existing access to public streets. Approval of this subdivision and PUD will not prohibit any adjoining properties from being developed. In fact, with the dedication of the 25 foot strip of land adjacent to Ironwood Lane, properties to the south of Ironwood Lane will have access to this public street.

G. Tree and Woodland inventories have been submitted and approved per Section 16.142.060.

A partial tree inventory has been submitted with this application that described the trees that will not be removed. The applicant did not identify the trees located within Tract A that will need to be removed. Compliance with this standard is discussed and conditioned as necessary further in this report.

FINDING: Based on the above discussion, the applicant meets this criterion or will be conditioned further within this report.

16.126 – Subdivision/Partition Design Standards

16.126 Design Standards- Blocks- Connectivity

A. Block Size. The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety.

FINDING: According to the submitted preliminary plat and conceptual PUD plan, the sizes of the lots are adequate for building residential single family homes.

B. Block Length. Blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet.

FINDING: The site is irregularly shaped and the street network is a continuation of already designed and constructed roadways. The extension of Denali will complete a block by connecting Ironwood Lane to Denali Lane. While this results in a block length greater than 530 feet, the topography and existing site constraints and development to the east and west prohibits an additional east/west street connection in this area. Additionally, the applicant is also constrained by the large lot size and the limited density allowed in this zone.

C. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways shall be provided on public easements or right-of-way consistent with Figure 7.401.

FINDING: There are no unusually long blocks or dead end streets that warrant the need for off-street pedestrian or bicycle accessways, therefore this standard is not applicable.

16.126.020 Easements-Utilities

Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.

The location of the existing sanitary sewer mainline at the southeast corner of the site, and the location of the related sanitary sewer easement is at issue on the plan set provided by the applicant, noted as Tract E. The sanitary sewer was not constructed within the easement, or the easement recorded was not adjusted to match the as-built sewer line alignment. The applicant has not provided an easement that extends over the actual sanitary sewer line. This must be resolved as part of the plat process.

FINDING: As discussed above, this standard has not been fully met but can be as conditioned below.

RECOMMENDED CONDITION: Prior to approval of the public improvements, provide a 15-foot wide sanitary sewer easement over the portion of the existing sanitary sewer alignment which falls outside the existing sanitary sewer easement or is otherwise located within Tract E.

16.126.030 Pedestrian and Bicycle Ways
Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation.

FINDING: There are no cul-de-sacs provided and the applicant proposes to connect two roadways through the site, thus this criterion is not applicable.

16.126.040 Lots
16.126.040.1 - Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision, and shall comply with applicable zoning district requirement.

As discussed further in this report, the lot sizes are appropriate for the zoning district except as modified for the PUD. The shape and orientation are appropriate when considering the conceptual development and building locations and orientations.

FINDING: As discussed above, this standard is satisfied.

16.126.040.2 - Access - All lots in a subdivision shall abut a public street.

FINDING: All of the lots will take access onto SW Denali Lane, which extends through the center of the site, thus meeting this criterion.

16.126.040.05 Grading -Grading of building sites shall conform to the following standards, except when topography of physical conditions warrant special exceptions:
A. Cut slopes shall not exceed one and one-half (1 1/2) feet horizontally to one (1) foot vertically.
B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.

The submitted Environmental Sediment Control (ESC) plan is inadequate for the proposed grading plan. The two fill sections identified on the plans show a measured distance of 45 and 54 feet respectively. CWS ESC requirements indicate the need for more than ESC fencing at the site boundary

FINDING: Based on the discussion the applicant has not met this criterion, but can do so with the following condition:

RECOMMENDED CONDITION: Prior to approval of the ESC plans, include the following ESC measures:

a. Sediment fencing at the project boundaries, filter fabric catch basin inserts, and rocked construction entrances.
b. Straw wattle ESC measures shall be provided across fill slopes faces, spaced at 25 foot intervals maximum down the face of fill slopes.
c. The street section grading shall include temporary drainage ditches with check dams until the finished street surface and related open space sidewalk improvements are installed.

VI. APPLICABLE ADDITIONAL CODE PROVISIONS

A. Division II - Land Use and Development

The subject site is zoned Very Low Density Residential (VLDR). Compliance with this section is discussed below.

16.12.010 Purpose
The VLDR zoning district provides for low density, larger of single-family housing and other related uses in natural resource and environmentally sensitive areas warranting preservation, but otherwise deemed suitable for limited development, with a density of .7 to 1 dwelling unit per acre. If developed through the PUD process, as per Chapter 16.40 and if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, a density not to exceed two dwelling units per acre and a density not less than 1.4 dwelling units per acre may be allowed. Minor land partitions shall be exempt from the minimum density requirements.

The applicant proposes low density housing by subdividing the property into a maximum of eight lots. The applicant proposes to protect the environmentally sensitive areas with tracts. Tract A is the extension from SW Murdock Road to the subject site where the applicant proposes a meandering pathway. Tract B and C are considered within the wetland buffer that extends along the rear of the properties on the east side of SW Denali Lane. Tract D will be the open space and Tract E will serve as the connection for the sanitary sewer line. As discussed in several sections, the applicant exceeds two dwelling units per net buildable acre, by over three lots.

FINDING: Based on the above discussion, the applicant does not meet this criterion due to the density; however this is addressed in other portions of this report.

16.12.040 Dimensional Standards
a. Lot dimensions

1.	**Lot areas:**	
	a. Single-Family Detached (conventional):	**40,000 sq. ft.**
	b. Single-Family Detached (PUD)	**10,000 sq. ft**
2.	**Lot width at front property line:**	**25 feet**
3.	**Lot width at building line:**	**No minimum**
4.	**Lot depth:**	**No minimum**

The applicant proposes lots for single family detached dwelling units ranging in size from 10,004 to 12,616 square feet meeting the requirements of the PUD standard.

FINDING: Based on the above discussion, the applicant meets this criterion.

b. Setbacks

1.	**Front yard:**	**20 feet**
2.	**Side yard:**	

	a. Single-Family Detached:	**5 feet**
	Corner Lot (street side):	**20 feet**
	b. Single-Family Attached (one side):	**5 feet**
	Corner Lot (street side):	**20 feet**
3.	**Rear yard:**	**20 feet**
4.	**Height**	**2 stories or thirty (30) feet**

FINDING: The applicant has shown that the building footprint can easily be placed within the required setbacks due to the large lot sizes. This will be confirmed at the time of the plot plan review for each specific house. Therefore the applicant meets this criterion.

16.12.070 Special Density allowances
Housing Densities up to two (2) units per acre, and minimum lot sizes of 10,000 square feet, may be allowed in the VLDR zone when:

A. The housing development is approved as a PUD as per Chapter 16.40; and

B. The following areas are dedicated to the public or preserved as common open space: floodplains, as per § 16.134.020 (Special Resource Zones); natural resources areas, per the Natural Resources and Recreation Plan Map, attached as Appendix C. or as specified in Chapter 5 of the Community development Plan; and wetlands defined and regulated as per current Federal regulations and Division VIII of this Code; and

C. The Review Authority determines that the higher density development would better preserve natural resources as compared to a one (1) unit per acre design.

FINDING: The applicant does not meet this criterion; however this has been discussed earlier in this report.

B. <u>Division IV - Public Improvements</u>

16.108.030 Required improvements
16.108.030.1 states that except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits.

SW Ironwood Lane is not fully developed to City standards because, while it includes pavement, neither side of Ironwood Lane includes curb, gutters and sidewalks to meet City Standards. In addition the pavement width is approximately 25 feet, whereas the Code requires at least 28 feet of pavement. The applicant will need to expand the existing Ironwood Lane street section to provide a street section that meets City standards along the south side of SW Ironwood Lane. The expansion of the public infrastructure dedicated with this development should fit within this existing right-of-way. Tract A identified in the submittal should be shown as dedicated right-of-way. If the

right-of-way was not dedicated to the City under the original street development, the applicant shall dedicate the necessary area to the City for right-of-way.

FINDING: It appears that the required improvement standards could be met, however the applicant must receive Engineering approval of the public improvement plans in order to ensure the streets will be improved as planned. If the applicant complies with the conditions below, this standard will be met.

RECOMMENDED CONDITION: Prior to the approval of the public improvement plans:

1. The applicant shall submit plans that include the expansion of the existing Ironwood Lane road section to meet current City road section standards for a residential street. This expansion shall include: additional asphalt pavement section, concrete curb and gutter, planter strip, and concrete sidewalk.

2. A storm drainage system will be required to provide adequate collection and conveyance of storm water runoff from SW Ironwood Lane to the water quality treatment facility.

3. The area bounded by these improvements must be within a dedicated right-of-way. If the area is not already dedicated right-of-way, the applicant shall dedicate on the plat the necessary right-of-way to conform to City requirements.

16.108.030.2 (Existing Streets) states that except as otherwise provided, when a development abuts an existing street, the improvements requirement shall apply to that portion of the street right-of-way located between the centerline of the right-of-way and the property line of the lot proposed for development. In no event shall a required street improvement for an existing street exceed a pavement width of thirty (30) feet.

The development abuts SW Denali to the south and the applicant proposes to extend the existing SW Denali Lane through the development to connect with SW Ironwood Lane. The applicant proposes a street modification due to the steep slopes on the site that will be discussed further within this report.

FINDING: The applicant has proposed to construct the required improvements for SW Denali Lane, however review and approval by the Engineering Department is required before this standard can be fully met; therefore, the applicant must comply with the conditions specified below. The applicant has not met the standard with respect to the improvements to SW Ironwood Lane, on the plan set as Tract A, however this was conditioned previously in this report.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, the applicant shall submit plans that include the extension and dedication of SW Denali Lane to meet current City road section standards for a residential street. This expansion shall include: additional asphalt pavement section, concrete curb and gutter, planter strip, and concrete sidewalk.

4. Extent of Improvements

Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the Transportation System Plan and applicable City standards and specifications included in the City of Sherwood Construction Standards, and shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map.

Catch basins shall be installed and connected to storm sewers and drainage ways. Upon completion of the improvements, monuments shall be re-established and protected in

monument boxes at every public street intersection and all points of curvature and points of tangency of their center lines. Street signs shall be installed at all street intersections and street lights shall be installed and served from an underground source of supply unless other electrical lines in the development are not underground.
(Ord. 2005-009 § 5; 91-922)

The subject parcel abuts SW Ironwood Lane, a partial street that is a paved hard surface, but not to full City street design standards. The center portion of SW Ironwood Lane was installed with the development Ironwood Acres. As this road will be utilized by the Denali Lane development as a primary access to SW Murdock Road, street improvements are required. The street is partially complete but there is no means currently to treat the storm runoff from the roadway. The applicant has called out this portion as Tract A to be used as a pedestrian connection to SW Murdock Road. However, based on street design standards the applicant will be required to dedicate 17,932 feet of as public right of way.

This dedication is roughly proportional to the exaction as this will be the primary vehicular access to the development and will provide a critical pedestrian accessway. Also, it will serve an important mechanism of treating the impervious roadway surface. Thus, the applicant is required to complete the portion of the Ironwood Lane roadway located on their site. Because this roadway is partially completed to City standards, the applicant will be required to treat the stormwater and provide a sidewalk, planter strip and curve for the roadway on this portion. The northern street segment of SW Ironwood Lane will be completed with the development of that property.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, provide a storm drainage system along SW Ironwood Lane to handle storm runoff from the expanded road section.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, expand the proposed water quality facility to handle the treatment of the additional runoff as necessary to meet the Clean Water Services treatment requirements.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, dedicate at least 17,932 feet of the right-of way, known on the plan set as Tract A to conform to the City's design for a local street.

5. Street Modifications

A. Modifications to standards contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted Sherwood Transportation System Plan (TSP), may be granted in accordance with the procedures and criteria set out in this section.

B. Types of Modifications. Requests fall within the following two categories:

1. Administrative Modifications. Administrative modification requests concern the construction of facilities, rather than their general design, and are limited to the following when deviating from standards in this Chapter, Section 16.58.010 City of Sherwood Construction Standards or Chapter 8 contained in the adopted Transportation System Plan:
d. Exceeding the maximum street grade.

The plans have two street design components that do not meet City design standards. A design variation request has been submitted to the City Engineer for each non-compliant

design element. Both design variation requests have been submitted by a registered civil engineer. All supporting calculations must be submitted as part of the modification. The applicant requests a modification to allow a street grade of 12% for the entire length of the street alignment (approx. 340'). City standard (Section 210.4 of the Design Manual) is a maximum street grade of 10% for unlimited length, and up to 12% maximum for a distance of not more than 200'.

Approval of the modification will be based on two main considerations; 1) that the physical constraints of the site prevent the design from meeting the design requirements of the City; and 2) that the proposed street grade falls within the limitations established by TVF&R for requiring building sprinkler systems on streets with grades between 10% and 15%. Both constraints have been proved and satisfied.

FINDING: Based on the above discussion, the applicant meets the criterion for a street modification however; the applicant cannot fully comply without the following condition.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, receive approval from TVF&R to allow this modified street grade.

RECOMMENDED CONDITION: Prior to building permit approval, provide building plans that show the buildings having an adequate fire sprinkler system per Tualatin Valley Fire and Rescue standards.

2. Design Modifications. Design modifications deal with the vertical and horizontal geometrics and safety related issues and include the following when deviating from this Chapter, Section 16.58.010 or Chapter 8 cross sections in the adopted Transportation System Plan:

e. Design speed.

a. Variation Request #2 – Variation request to allow a reduction of the local speed limit from 25 mph to 20 mph due to horizontal curve restrictions.

The applicant needs to reduce the local speed limit in order to comply with the horizontal curve restrictions. The City's standard speed limit for residential streets is 25 mph. With this speed, the Engineering Design Manual delineates a minimum centerline radius requirement of 185' with a cross slope of 2.5%. The physical limitations of the site prevent the ability to provide a road design which meets both the vertical and horizontal design requirements based on street grade and horizontal curve requirements. As a result of these tight curves, the applicant proposes a reduction in the speed 20 mph in order to provide safe turning movements on the curves. To develop a usable road design, the horizontal centerline radius needed to be reduced to 100', which is based on a maximum speed limit of 20 mph. This will provide a means of achieving the grade and design of SW Denali Lane as it extends down the hill.

FINDING: Based on the above discussion, the City Engineer approves the street modification with the following condition.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, show that the speed limit signage of 20 mph is posted at either end of the street section where this speed limit is in effect.

D. Street modifications may be granted when criterion D.1 and any one of criteria D.2 through D.6 are met:

1. A letter of concurrency is obtained from the City Engineer or designee.

2. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.

3. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self-imposed hardships shall not be used as a reason to grant a modification request.

4. An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.

5. Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.

6. In reviewing a modification request, consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors, such as to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.
(Ord. 2005-009 § 5)

FINDING: Based on the above discussion the City Engineer has reviewed the request with consideration of these criteria and the letter of concurrency demonstrates that this criteria are met. (See Exhibit B).

16.108.040 LOCATION AND DESIGN

1. GENERALLY

The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, and proposed land uses. The proposed street system shall provide adequate, convenient and safe traffic and pedestrian circulation, and intersection angles, grades, tangents, and curves shall be adequate for expected traffic volumes. Street alignments shall be consistent with solar access requirements as per Chapter 16.156, and topographical considerations. (2005-009 § 5; 91-922)

2. Street Connectivity and Future Street Systems

A. Future Street Systems. The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 8-8).

B. Street Connectivity and Future Street Systems

1. Future Street Systems. The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 8-8).

2. Connectivity Map Required. New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that implements, responds to and expands on the Local Street Connectivity map contained in the TSP. A project is deemed to be consistent with the Local Street Connectivity map

when it provides a street connection in the general vicinity of the connection(s) shown on the map, or where such connection is not practicable due to topography or other physical constraints; it shall provide an alternate connection approved by the Review Authority. Where a developer does not control all of the land that is necessary to complete a planned street connection, the development shall provide for as much of the designated connection as practicable and not prevent the street from continuing in the future. Where a development is disproportionately impacted by a required street connection, or it provides more than its proportionate share of street improvements along property line (i.e., by building more than 3/4 width street), the developer shall be entitled to System Development charge credits, as determined by the City Engineer.

3. Block Length. For new streets except arterials, block length shall not exceed 530 feet. The length of blocks adjacent to arterials shall not exceed 1,800 feet.

FINDING: As discussed earlier in this report the applicant plans on connecting SW Denali Lane through the center of the site to SW Ironwood Lane in compliance with the adopted Transportation System Plan and therefore meets this criterion.

6. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways at least 8 feet wide, or consistent with cross section standards in Figure 8-6 of the TSP, shall be provided on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 300 feet. Multi-use paths shall be built according to the Pedestrian and Bike Master Plans in the adopted Transportation System Plan.

The applicant proposes to connect the open space area (Tract D) with a pedestrian pathway to SW Denali Lane at the southern edge of the property, approximately 10 feet wide. This would allow for a foot wide landscaped area on each side of the paved access way. This will not allow enough of a buffer to the adjacent properties and would create a “tunnel” effect along the entire 155 ft. to the open space. Additionally, the fence standards require a 3 foot landscape buffer between pathways and the fence, if a six foot high fence is proposed. Otherwise the fence could only be 42 inches. (SZDC § 16.58.020.D. 2) The applicant has not provided a cross section or landscape to determine whether they have complied with this standard.

FINDING: Based on the above discussion, the applicant does not meet this standard, but could do so with the following condition.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, provide a pedestrian accessway for Tract D that shows the pavement, landscaped area and height of the fence along the southern portion of Lot 8 in compliance with the SZDC**.**

16.108.060 SIDEWALKS
1. Required Improvements

A. Except as otherwise provided, sidewalks shall be installed on both sides of a public street and in any special pedestrian way within new development.

B. Local Streets

Local streets shall have minimum five (5) foot wide sidewalks, located as required by this Code.

FINDING: As discussed and conditioned earlier within this report, the applicant will be required to provide sidewalks along both sides of the street on SW Denali Lane. as well as the sidewalk along one side of SW Ironwood Lane, approximately five feet in width.

16.110 Sanitary Sewers - Required Improvements
Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. . Sanitary sewers shall be constructed, located, sized and installed at standards consistent with the Code, applicable Clean Water Services standards and City standards to adequately serve the proposed development and allow for future extensions.

Sanitary sewer is proposed to extend throughout the site. The City Engineer has indicated that it appears the sanitary sewer proposal will be feasible. However the existing location of the sanitary sewer mainline at the southeast corner of the site does not provide for a related sanitary sewer easement. The sanitary sewer was not actually constructed within easement or the easement recorded was not adjusted to match the as-built sewer line alignment. This must be resolved prior to final subdivision plat.

FINDING: While it appears feasible to provide sanitary sewer service to all proposed lots, this cannot be confirmed until the public improvement plans are reviewed and approved and the final plat submitted. The following condition is needed.

RECOMMENDED CONDITION: The sanitary sewer system design and installation shall be in conformance with City design and construction standards, and must receive City Engineer review and approval to be accepted by the City.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, provide a 15-foot wide sanitary sewer easement on the plat over the portion of the existing sanitary sewer alignment which falls outside the existing sanitary sewer easement, and located within "Tract E."

16.112 <u>Water Supply - Required Improvements</u>
Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development. All waterlines shall be connected to existing water mains.

The applicant proposes to provide a public water distribution system within the public right-of-way to service the development. This design is acceptable to the City, however full compliance will need to be reviewed and approved as part of the public improvement plan review process.

FINDING: The applicant proposes to install water lines; however, staff cannot confirm the proposed lines fully conform to the standards until public improvement plans are approved. This standard will be fully met when Engineering reviews and approves the public improvement plans, which has been conditioned previously in this report.

RECOMMENDED CONDITION: The public water distribution system design and installation shall be in conformance with City design and construction standards, and must receive City Engineer review and approval to be accepted by the City.

16.114 Storm Water - Required Improvements
Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage systems consistent with the Comprehensive Plan and the requirements of Clean Water

Services water quality regulations contained in their Design and Construction Standards R&O 04-9 or its replacement.

Clean Water Services has reviewed this proposal and provided comments that include requiring a CWS Storm Water Connection Permit be obtained prior to plat approval and recordation. As part of that Permit the applicant will be required to submit the materials outlined in the CWS Memo dated November 14, 2011(Exhibit C). The memo outlines conditions that will need to be followed in order to fully comply with this criterion.

The CWS Service Provider Letter, provided in the applicant's materials indicates that Tract "C" have a "STORM SEWER, SURFACE WATER, DRAINAGE AND DETENTION EASEMENT OVER IT'S ENTIRETY" denoted on the plans.

FINDING: As discussed above, staff cannot confirm at this time that the standard has been met. If the applicant submits a revised plan that complies with the following conditions, this standard will be met.

RECOMMENDED CONDITION: Prior to approval of the final plat, receive a Clean Water Services Storm Water Connection Permit Authorization that meets the requirements of the CWS Memorandum dated November 14, 2011.

RECOMMENDED CONDITION: Prior to approval of the public improvements, Tract "C" shall show and denote that a "STORM SEWER, SURFACE WATER, DRAINAGE AND DETENTION EASEMENT OVER ITS ENTIRETY" be granted to the City or CWS in compliance with Item 19 of the SPL.

16.116 Fire Protection Required Improvements

When land is developed so that any commercial or industrial structure is further than two hundred and fifty (250) feet or any residential structure is further than five hundred (500) feet from an adequate water supply for fire protection, as determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety.

John Wolff of Tualatin Valley Fire and Rescue provided general comments on November 18, 2001(Exhibit D). Compliance with TVF&R will be required at time of detailed development plan review. Because of the slope of the site, it is necessary to install sprinklers within all residences in the subdivision. The applicant concurs. This has been conditioned earlier within this report.

FINDING: This standard is satisfied for this stage of the development. However the applicant cannot fully comply without the following condition.

RECOMMENDED CONDITON: Prior to approval of the public improvement plans, submit revised plans that provide adequate turning radius, hydrant location, fire flow, and adherence in compliance with TVF&R standards as verified by an acceptance letter from TVF&R.

16.118 Public And Private Utilities

A. requires that installation of utilities be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.

B. Requires that public utility easements shall be a minimum of eight feet in width unless a reduced width is specifically exempted by the City Engineer. An eight (8) foot wide public

utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.

C. Indicates that where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property(ies).

D. Requires franchise utility conduits to be installed per the utility design and specification standards of the utility agency.
E. Requires Public Telecommunication conduits and appurtenances to be installed per the City of Sherwood telecommunication design standards.

The City of Sherwood Broadband manager has submitted comments that conduit is not necessary as part of this development. As part of the public improvement plan review and approval, the applicant will be required to show conduits for all public and private utilities.

FINDING: As discussed above, this standard is not applicable.

16.118.030 Underground Facilities
Except as otherwise provided, all utility facilities, including but not limited to, electric power, telephone, natural gas, lighting, cable television, and telecommunication cable, shall be placed underground, unless specifically authorized for above ground installation, because the points of connection to existing utilities make underground installation impractical, or for other reasons deemed acceptable by the City.

FINDING: All existing and proposed utilities are underground therefore this standard is met.

16.142.030 <u>Visual Corridors</u>
New developments located outside of the Old Town Overlay with frontage on Highway 99W, or arterial or collector streets designated on the Transportation Plan Map, attached as Appendix C, or in Section VI of the Community Development Plan, shall be required to establish a landscaped visual corridor. The required width along a collector is 10 feet and 15 feet along an arterial. In residential developments where fences are typically desired adjoining the above described major street the corridor may be placed in the road right-of-way between the property line and the sidewalk.

The streets proposed with this development are local and thus no visual corridor is necessary.

FINDING: As discussed above, this standard is not applicable.

16.142.050 <u>Trees Along Public Streets or on Other Public Property</u>
Trees are required to be planted by the land use applicant to the specifications identified in 16.142.050 along public streets abutting or within any new development. Planting of such trees shall be a condition of development approval.

FINDING: As discussed above, the plans do not indicate the standard is met. If the applicant submits public improvement plans for review and approval that includes street trees in compliance with this provision.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, submit plans for review and approval that include the appropriate number of street trees along the frontage of SW Ironwood Lane and SW Denali Court.

16.142.060 <u>Trees on Property Subject to Certain Land Use Applications</u>
Required site grading necessary to construct the development as approved.

D. Mitigation
1. The City may require mitigation for the removal of any trees and woodlands identified as per Section 8.304.07C if, in the City's determination, retention is not feasible or practical within the context of the proposed land use plan or relative to other policies and standards of the City Comprehensive Plan. Such mitigation shall not be required of the applicant when removal is necessitated by the installation of City utilities, streets and other infrastructure in accordance with adopted City standards and plans. Provided, however, that the City may grant exceptions to established City street utility and other infrastructure standards in order to retain trees or woodlands, if, in the City's determination, such exceptions will not significantly compromise the functioning of the street, utility or other infrastructure being considered. Mitigation shall be in the form of replacement by the planting of new trees.

There are eight inventoried trees on the property ranging in size from 8 inches to 10 inches diameter at breast height (DBH). The applicant has indicated that all will be retained. However the applicant has not shown street trees along SW Ironwood Lane that will need to removed or relocated in order to construct SW Ironwood Lane to City standards.

FINDING: Based on the above discussion the applicant meets this criterion.

RECOMMENDED CONDITION: Prior to final plat approval, submit a tree mitigation plan to the City Planning Department. Complete mitigation or bond for the completion of the mitigation prior to signature by the City of the Mylar.

RECOMMENDED CONDITION: Prior to any grading on site, submit a tree protection plan showing how the trees to be retained will be protected throughout the construction of the site.

RECOMMENDED CONDITION: Prior to any grading on site, install tree protection fencing around trees to be retained. The tree protection fencing shall be inspected and deemed appropriate by the arborist to be reviewed by the Planning Department.

VII. RECOMMENDATION

Based on a review of the applicable code provisions, agency comments and staff review, staff finds that the Planned Unit Development and Subdivision do not fully meet the applicable review criteria. However, the applicable criteria can be satisfied if specific conditions are met. Therefore, staff **recommends that the Planning Commission forward a recommendation of APPROVAL with conditions** of Denali PUD (PUD 11-01, and SUB 11-01). Required conditions are as follows:

A. <u>General Conditions</u>

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.

2. Approval of this Preliminary PUD does not constitute approval of a final development plan for the PUD or approved phases of the PUD.

3. Final Development plans for the PUD or phases of the PUD shall substantially comply with the preliminary plan dated September 13, 2011 and prepared by Emerio Design, and must comply

with the conditions in this approval in addition to any other conditioned deemed necessary to ensure compliance with the development code and this approval.

4. Development and construction on the site shall conform substantially to the preliminary plat development plans submitted by Emerio Design and dated September 21, 2011 except as modified in the conditions below, (and shall conform specifically to final construction plans reviewed and approved by the City Engineer, the Building Official, Clean Water Services, Tualatin Valley Fire and Rescue, Tualatin Valley Water District and Washington County). All plans shall comply with the applicable building, planning, engineering and fire protection codes of the City of Sherwood.

5. The developer is responsible for all costs associated with any remaining public facility improvements and shall assure the construction of all public streets and utilities within and adjacent to the plat as required by these conditions of approval, to the plans, standards, and specifications of the City of Sherwood. The developer shall also provide to the City financial guarantees for construction of all public streets and utilities within and adjacent to the plat, as required by the engineering compliance agreement.

6. This approval is valid for a period of two (2) years from the date of the decision notice. Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.

7. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.

8. Placement of construction trailers on the subject property shall require a Temporary Use Permit per Section 16.86 of the SZCDC.

9. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies, even if not specifically required by this decision.

10. Retaining walls within public easements or the public right-of-way shall require engineering approval. Retaining walls with a height of 4 feet or higher located on private property will require a permit from the building department.

11. Retaining walls great than four (4) feet in height shall have a geotechnical engineer provide stamped design calculations and details drawings required for retaining wall construction. The retaining wall details shall include at a minimum; wall profile, wall cross section at highest point of wall, wall reinforcing geotextile requirements, wall drainage system, and wall backfill requirements. Retaining wall drainage systems shall either discharge to a public storm drainage system, or discharge on-site in such a manner as to not negatively impact adjacent downslope properties.

B. <u>General and Specific PUD Detailed Final Development Plan requirements:</u>

1. A Detailed final development plan shall be submitted for review and approval within 1 year of the preliminary PUD approval.

2. Submit a detailed plan for Tract D, the open space area that describes a cross section detail and includes the type of materials that will be used for the pathway, landscaping, signage, street furniture and other pedestrian and neighborhood amenities on site to satisfy the open space requirements.

3. Provide the CC & Rs that document how the open space of Tract D will be maintained by the

neighborhood association.

4. Redesign the preliminary plat to identify five lots with a minimum lot size of 10,000 square feet.

C. <u>Prior to issuance of grading or erosion control permits from the Building Department</u>:

1. Obtain Building Department permits and approval for erosion control and grading on private property and Engineering Department permits and approval for all grading in the public right of way.

2. The Developer's engineer is required to provide a site specific drainage plan to temporarily collect, route, and treat surface water and ground water during each construction phase. The construction plans shall specifically identify how the storm drainage system and erosion sediment control measures will be phased during construction, such that at any time during construction the approved plans shall be capable of providing full erosion and sediment control, collection, routing and treatment of storm water runoff and ground water. No site construction will be allowed to take place if the storm drainage system and erosion sediment control measures are not installed per plan and functioning properly.

3. Obtain a 1200C Erosion Control Permit through the Building Department for all the disturbed ground, both on and off site that is in excess of one acre in addition to meeting all CWS Design and Construction Standards. The applicant shall follow the latest requirements from DEQ and CWS for NPDES 1200-C Permit submittals. A copy of the approved and signed permit shall be provided to the City prior to holding a pre-construction meeting or commencing any construction activity.

4. Provide DSL and Corps of Engineers permits for any work in the wetlands or creek.

5. Include the following ESC measures in the submitted plans:
   a. Sediment fencing at the project boundaries, filter fabric catch basin inserts, and rocked construction entrances.
   b. Straw wattle ESC measures shall be provided across fill slopes faces, spaced at 25 foot intervals maximum down the face of fill slopes.

   c. The street section grading shall include temporary drainage ditches with check dams until the finished street surface and related open space sidewalk improvements are installed.

6. Submit a tree protection plan showing how the trees to be retained will be protected throughout the construction of the site.

7. Install tree protection fencing around trees to be retained on site. The tree protection fencing shall be inspected and deemed appropriate by the arborist to be reviewed by the Planning Department.

8. Any existing wells, septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law, inspected by the City Plumbing Inspector and provide verification of such to the City Engineer.

9. A demolition permit shall be obtained from the Sherwood Building Department prior to demolishing or moving any structures.

10. The applicant shall comply with Geotechnical Engineering Report prepared by GeoPacific Engineering, Inc. dated August 26, 2011, which outlines the specific conditions within the right-

of-way limits with the exception that the minimum asphalt concrete pavement thickness shall be 4" per Section 210.2.2. of the Engineering Design Manual. Along with the general construction recommendations, delineating the extent of spring and groundwater activity shall be researched and reported. The report shall detail a plan for dewatering these areas and shall further identify those lots which require specific foundation design.

11. In the event there is engineered fill on any public roads or lots, the applicants' soils engineer and testing lab shall obtain and record compaction tests and submit results for the review and approval of the City Engineer.

D. <u>Prior to approval of the public improvement plans:</u>

1. Submit engineering plans for all public improvements and/or connections to public utilities (water, sewer, storm water, and streets) to the Sherwood Engineering Department. The engineering plans shall conform to the design standards of the City of Sherwood's Engineering Department, Clean Water Services, Tualatin Valley Water District, Tualatin Valley Fire & Rescue and other applicable requirements and standards. The plans shall be in substantial conformance with the utility plans dated September 21, 2011 and prepared by Emerio Design with the following modifications:

a. The applicant shall submit plans that include the expansion of the existing Ironwood Lane road section to meet current City road section standards for a residential street. This expansion shall include: additional asphalt pavement section, concrete curb and gutter, planter strip, and concrete sidewalk.

b. A storm drainage system will be required to provide adequate collection and conveyance of storm water runoff from SW Ironwood Lane to the water quality treatment facility.

c. The area bounded by these improvements must be within a dedicated right-of-way. If the area is not already dedicated right-of-way, the applicant shall dedicate on the plat the necessary right-of-way to conform to City requirements.

d. The applicant shall submit plans that include the extension and dedication of SW Denali Lane to meet current City road section standards for a residential street. This expansion shall include: additional asphalt pavement section, concrete curb and gutter, planter strip, and concrete sidewalk.

e. Provide a pathway alignment that does not exceed a 15% grade for the open space area known as Tract D.

f. Provide a pedestrian accessway for Tract D that shows the pavement, landscaped area and height of the fence along the southern portion of Lot 8 in compliance with the SZDC.

g. Tract "C" shall show and denote that a "STORM SEWER, SURFACE WATER, DRAINAGE AND DETENTION EASEMENT OVER ITS ENTIRETY" be granted to the City or CWS in compliance with Item 19 of the SPL.

h. Submit plans for review and approval that include the appropriate number of street trees along the frontage of SW Ironwood Lane and SW Denali Court.

2. Submit to the Engineering Department for review and approval a stormwater report meeting design standards of both the City of Sherwood and Clean Water Services and the Clean Water Service Provider letter dated July 14, 2011 and the following condition found therein:

   a. Provide a note to the construction plan set that states that the project shall comply with the recommendations outlined in the geotechnical report prepared by GeoPacific Engineering, Inc. dated August 26, 2011.

   b. Submit plans that identify the buffer and mitigation areas and related mitigation measures and notes delineated in the SPL shall be incorporated into the grading and ESC plan sheets of the planning and construction plan submittal.

3. Private site developments incorporating Low Impact Development (LID) storm systems must submit technical design data and calculations showing how the system complies with City and CWS standards. Approval of such LID systems by City is on a case by case basis. The Developer shall sign an "Access and Maintenance Agreement" authorizing the City rights to access the site and to maintain the LID storm system should the Developer fail to do so. If enforced the Developer will be responsible for all City costs associated with this maintenance.

4. Typical street sections shall conform to the City's *"Engineering Design and Standard Details Manual"* and the City's Transportation System Plan, and shall include an 8-foot wide public utility easement.

5. A cross section for each type of street improvement shall be prepared that illustrates utility locations, street improvements including grade and elevation, and sidewalk location including grade and elevation per current construction standards. Cross sections shall be included in the plan set and submitted to the City Engineer for review and approval.

6. Submit public improvement plans that demonstrate the placement of all existing and proposed utilities underground.

7. Submit public improvement plans to the Engineering Department, with a copy of the landscaping plan to the Planning Department, for review and approval.

8. All public easement dedication documents must be submitted to the City for review, signed by the City and the applicant, and recorded by the applicant with the original or a certified copy of the recorded easements on file at the City prior to release of the public improvement plans.

9. Submit the final plat for review to the Planning Department.

10. Provide the appropriate recommendations from a registered professional civil/environmental engineer or geotechnical engineer regarding how the soils are to be handled to prevent contaminated material from leaving the site. These recommendations are to be complied with in the development of the construction drawings and may require full review and approval from DEQ as part of the City approval process.

11. Comply with the DEQ requirements pertaining to the cleanup of the contaminated soils onsite.

12. Receive approval from TVF&R to allow this modified street grade.

13. Show on the plan set that the speed limit signage of 20 mph is posted at either end of the street section where this speed limit is in effect.

14. Provide a 15-foot wide sanitary sewer easement on the plat over the portion of the existing sanitary sewer alignment which falls outside the existing sanitary sewer easement, and located within "Tract E."

15. Submit revised plans that provide adequate turning radius, hydrant location, fire flow, and adherence in compliance with TVF&R standards as verified by an acceptance letter from TVF&R.

E. <u>Prior to Approval of the Final Plat:</u>

1. The submittal by the applicant for final plat review and approval shall include but not be limited to the following: a final plat application; final plat review fee; narrative identifying how the required conditions of approval have or will be met; three copies of the final plat; and any other materials required to demonstrate compliance with the conditions of approval.

2. Approval of the public improvement plans by the Engineering Department, and signature of a compliance agreement must be complete prior to release of the plat to the County for review. In addition, prior to final plat approval, either all on-site work must be complete or the improvements bonded or guaranteed with a cash deposit.

3. Comply with the conditions as set forth in the Service Provider Letter No. 10-002401, dated July 14, 2011.

4. Provide an easement over the vegetated corridor conveying storm and surface water management to CWS that would prevent the owner of the vegetated corridor from activities and uses inconsistent with the purpose of the corridor and any easements therein.

5. Provide detailed plans showing the sensitive area and corridor delineated, along with restoration and enhancement of the corridor.

6. Receive a Clean Water Connection Permit Authorization that meets the requirements of the CWS Memorandum dated November 14, 2011.

7. The final plat shall show the following:
   a. The Community Development Director as the City's approving authority within the signature block of the final plat.

   b. A 15-foot wide public utility easement for any areas where a single public utility line is located outside a public right-of-way with an increase of five (5) feet for each additional utility line.

   c. Private access easements, utility easements and/or special use easements as required for the development of the site. A plat note shall reference an easement and maintenance agreement or similar document, to be recorded with the plat, for the joint maintenance of any common private utility lines, common driveway improvements, or other common amenity or perimeter fencing. The language of such plat note and associated document shall be reviewed and approved by the Planning Department.

8. Submit revised plans that provide adequate turning radius, hydrant location, fire flow, and adherence in compliance with TVF&R standards as verified by an acceptance letter from TVF&R.

9. The public improvement plans must be approved and bonded for prior to the City's approval of the final plat.

10. Design the public street intersections to meet sight distance requirements. Provide certification by a registered Oregon Professional Engineer that the constructed public street intersections meet sight distance requirements.

11. Submit a tree mitigation plan to the City Planning Department. Complete mitigation or bond for the completion of the mitigation prior to signature by the City of the Mylar.

F. <u>Prior to Issuance of a Building Permit:</u>

1. Prior to issuance of any building permits, the public improvements must be complete and accepted by the City Engineer, and the final plat(s) must be recorded. An approval letter from the Engineering Department, accepting all public improvements, shall be issued prior to issuance of building permits.

2. Prior to issuance of any building permits, the developer shall provide a geotechnical investigation report if required by the Building Official.

3. Prior to issuance of building permits, an electronic version of the final plat must be submitted to the Planning Department.

4. Submit a recorded copy of the CC & Rs.

G. <u>Prior to Final Occupancy of the Subdivision:</u>

1. All public improvements shall be competed, inspected and approved, as applicable, by the City, CWS, TVF & R, TVWD and other applicable agencies.

2. All agreements required as conditions of this approval must be signed and recorded.

3. Plant the required street trees for each lot prior to a certificate of occupancy for the home on the lot.

4. Install the landscaping according to the landscape plan prior to the issuance of the occupancy permits or pay a security bond for 125% of the cost of the landscaping payable to the City. If the landscaping is not completed within six months, the security may be used by the City to complete the installation.

5. Construct and install the pathway and other Tract D open space amenities described in the final development plan.

H. <u>On-going Conditions</u>

1. All homes exceeding 3,600 square feet of living space must have available hydrant flow approved.

2. All rain, storm, and other surface water runoff from roofs, exposed stairways, light wells, courts, courtyards, and exterior paved areas shall be disposed of in compliance with local ordinances and state rules and regulations, in a manner that will not increase runoff to adjacent properties. The approved points of disposal include storm sewer laterals to a public system or other storm sewer system as approved by the City Engineer.

3. Joint mailbox facilities shall be installed prior to the City signing the Letter of Acceptance for the development. Joint mailbox facilities must be installed per U.S. Postal Service's "*Developers' Guide to Centralized Box Units*". The Developer shall provide a signed copy of the U.S. Postal Services "*Mode of Delivery Agreement*". Submittal of this agreement shall be required prior to a pre-construction meeting taking place.

4. The developer shall coordinate location of garbage and recycling receptacles with Pride Disposal.

5. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code.

6. Decks, fences, sheds, building additions and other site improvements shall not be located within any easement unless otherwise authorized in writing by the City Engineer.

7. Fences separating lots from adjacent pedestrian access way may not exceed 42" in height unless the fences are setback with at least three (3) feet of landscaping from the pedestrian easement.

8. Comply with the Clean Water Services Service Provider Letter throughout the development of the site.

9. Restrict and maintain on-site landscaping, utilities, and any other obstructions in the sight distance triangles to provide adequate sight distance at access locations to SW Denali Lane and SW Ironwood Lane.

10. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.

11. Noise shall be kept at the minimum level possible during construction. The developer shall agree to aggressively ensure that all vehicles working in the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.

12. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the construction site through proper disposal containers or construction fencing enclosures. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the Community Development

VIII. EXHIBITS

A. Applicant's submittal materials submitted October 13,011
B. City of Sherwood Engineering Comments dated November 2, 2011
C. Clean Water Services letter submitted November 14, 2011
D. Tualatin Valley Fire and Rescue letter submitted November 18, 2011
E. DEQ Fact Sheet Ken Foster Farm

End of Report

EXHIBIT A

APPLICANT'S MATERIALS CAN BE FOUND ON FILE OR ONLINE

WWW.SHERWOODOREGON.GOV

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

22560 SW Pine Street
Sherwood, Oregon 97140
Ph: 503-625-5522
Fax: 503-625-5524
WebSite:
www.sherwoodoregon.gov

Memorandum

Date: November 2, 2011

Project: Denali Subdivision

To: Michelle Miller, Associate Planner

From: Bob Galati, City Engineer

Topic: Planning Submittal – Review Comments

Submittal Items

1. From information provided, a site assessment has been performed and a Service Provider Letter (SPL) has been issued. Clean Water Services (CWS) is requiring that a geotechnical report is required in addition to the 24 conditions specified in the SPL. A geotechnical report has been submitted as part of the application. The buffer impact and mitigation areas delineated in the SPL exhibits and the related requirements notes in the SPL have not been incorporated into the planning submittal plan sheets. These items will need to be incorporated into the plan sets prior to any approval being granted.

   Condition: A note shall be added to the construction plan set that states that the project shall comply with the recommendations outlined in the geotechnical report prepared by GeoPacific Engineering, Inc., dated August 26, 2011.

   Condition: Buffer and mitigation areas identified and related mitigation measures and notes delineated in the SPL shall be incorporated into the grading and ESC plan sheets of the planning and construction plans submittals.

2. The landscaping plans shall incorporate the requirements of the SPL. Requirements 21 through 24 of the SPL specifically relate to the information that is required to be included in the plan set.

   Condition: The landscaping plans shall incorporate and show all required information and details delineated in the SPL. In particular, Items 21 through 24 of the SPL shall be incorporated into the construction landscaping plan sheets, the general and specific notes, and the project specifications.

3. Requirement 19 of the SPL implies that Tract "C" have a "STORM SEWER, SURFACE WATER, DRAINAGE AND DETENTION EASEMENT OVER IT'S ENTIRETY" denoted on the plans.

   Condition: Tract "C" shall show and denote that a "STORM SEWER, SURFACE WATER, DRAINAGE AND DETENTION EASEMENT OVER ITS ENTIRETY" be granted to the City or CWS in compliance with Item 19 of the SPL.

Exhibit B

4. One major item is the location of the existing sanitary sewer mainline at the southeast corner of the site, and the location of the related sanitary sewer easement. The sanitary sewer was not constructed within the easement, or the easement recorded was not adjusted to match the as-built sewer line alignment. This item will be a very important issue to resolve as part of the planning approval process.

   Condition: A 15-foot wide sanitary sewer easement shall be established over the portion of the existing sanitary sewer alignment which falls outside the existing sanitary sewer easement, located within "Tract E".

5. The basic development plan layout does not meet the requirements of Section 115.2.1 of the Engineering Design and Standard Details Manual (Manual).

   a. The plans do not show topographic items a distance of 200 feet outside the site boundary. The existing topographic information ends at the site boundary.

   b. The applicant should read and conform to the requirements of the Manual when developing the project drawings.

   Condition: Construction plans submitted to the City shall comply with the requirements delineated in the City's Engineering Design and Standard Details Manual.

6. The plans have two street design components that do not meet City design standards. A design variation request has been submitted to the City Engineer for each non-compliant design element. Both design variation requests have been submitted by a stamping registered civil engineer. All supporting calculations must be submitted as part of the variance request.

   a. Variation Request #1 – Variation request to allow a street grade of 12% for the entire length of the street alignment (approx. 340'). City standard (Section 210.4 of the Design Manual) is a maximum street grade of 10% for unlimited length, and up to 12% maximum for a distance of not more than 200'.

   Analysis: Approval of the variation will be based on two main considerations; 1) that the physical constraints of the site prevent the design from meeting the design requirements of the City; and 2) that the proposed street grade falls within the limitations established by TVF&R for requiring building sprinkler systems on streets with grades between 10% and 15%. Both constraints have been proved and satisfied.

   Condition: The City Engineer approves Variation Request #1 to allow a maximum street centerline grade of 12% for the length of the alignment. This approval is conditioned on similar approval from TVF&R to allow this street grade.

   b. Variation Request #2 – Variation request to allow a reduction of the local speed limit from 25 mph to 20 mph due to horizontal curve restrictions.

   Response: The City's standard speed limit for residential streets is 25 mph. With this speed, the Design Manual delineates a minimum centerline radius requirement of 185' with a cross slope of 2.5%. The physical limitations of the site prevent the ability to provide a road design which meets both the vertical and horizontal design requirements based on street grade and horizontal curve requirements. To develop a usable road design, the horizontal centerline radius needed to be reduced to 100', which is based on a maximum speed limit of 20 mph.

   Condition: The City Engineer approves Variation Request #2 to allow a reduction in the post speed limit within the proposed street section from 25 mph to 20 mph. Speed limit signage of 20 mph shall be posted at either end of the street section where this speed limit is in effect.

7. The submitted ESC plan is inadequate for the proposed grading plan. The two fill sections identified on the plans show a measured distance of 45 and 54 feet respectively. CWS ESC requirements indicate the need for more than ESC fencing at the site boundary.

   Condition: The ESC Plans submitted for the project at a minimum shall include the following ESC measures:

   a. ***Sediment fencing at the project boundaries, filter fabric catchbasin inserts, and rocked construction entrances.***

   b. ***Straw wattle ESC measures shall be provided across fill slopes faces, spaced at 25 foot intervals maximum down the face of fill slopes.***

   c. ***The street section grading shall include temporary drainage ditches with check dams until the finished street surface and related open space sidewalk improvements are installed.***

8. With the inclusion of the Ironwood Lane road section expansion requirements, storm drainage along the affected Ironwood Lane curbline will also need to be addressed.

   Condition: Provide a storm drainage system along Ironwood Lane to handle storm water runoff from the expanded road section. Expand proposed WQF to handle treatment of additional runoff as necessary to meet CWS treatment requirements.

9. The alignment of the wood chip path relative to the grades do not appear to make a walkable path. Some sections of the path appear to have grades approaching 22%.

   Condition: Provide a path alignment which proposes grades not exceeding 15%.

10. The applicant provided a geotechnical report prepared GeoPacific Engineering, Inc., dated August 26, 2011.

    Condition: The applicant shall conform to the recommendations outlined in the site specific geotechnical report prepared by GeoPacific Engineering, Inc., dated August 26, 2011, excepting that the minimum asphalt concrete pavement thickness shall be 4" per Section 210.2.2 of the City's Design Manual.

11. The applicants submitted an environmental assessment report prepared by BB&A Environmental, January 13, 2011. The report is unsigned and does not document the authorship. The report does contain a statement regarding a discussion with DEQ about capping soils disturbed during overall site development and prior to residential individual site development, however the report provides no statements of recommended actions on which to hold the applicant accountable.

    Condition: The applicant will provide the following items as part of the development approval process:

    a. ***Based on the fact that the site contains contaminated soils, and that excavation and using these contaminated spoils for fill material and development of Tract C is expected, the applicant must provide appropriate recommendations from a registered professional civil/environmental engineer or geotechnical engineer regarding how these spoils are to be handled to prevent contaminated material from leaving the site. These recommendations are to be complied with in the development of the construction drawings.***

    b. ***This particular item may require full review and approval from DEQ as part of the City approval process.***

c. ***Stormwater runoff from fill sites must remain free from contamination during and post construction. A written protocol plan shall be developed and included as part of the construction plan set submitted to the City, and shall be complied with by the contractor.***

12. Section 16.40.020, C.7, indicates that the applicant is considering that environmental cleanup of the site is adequate enough to call the site developed and not include construction of the public infrastructure. Our standard Compliance Agreement requirements include construction of the public infrastructure, not just the planning of it. Cleanup and remediation of the site should be viewed as a part of the construction process.

    Condition: Development approval shall include construction of all public improvements in the delineated timeline as required by the City's Compliance Agreement.

13. SW Ironwood Lane is not developed to City standards. Neither side of Ironwood Lane meets City Standards. The applicant will need to expand the existing Ironwood Lane street section to provide a street section that meets City standards along the south side of SW Ironwood Lane. As-built plans for Ironwood Lane indicate the existence of 50-feet of right-of-way. The expansion of the public infrastructure should fit within this existing right-of-way. Tract A identified in the submittal should be shown as dedicated right-of-way. If the right-of-way was not dedicated to the City under the original street development, the applicant shall dedicate the necessary area to the City for right-of-way.

    Condition: The proposed project shall include the expansion of the existing Ironwood Lane road section to meet current City road section standards for a residential street. This expansion shall include: additional asphalt pavement section, concrete curb and gutter, planter strip, and concrete sidewalk. A storm drainage system may be required to provide adequate collection and conveyance of storm water runoff from Ironwood Lane to the water quality treatment facility. The area bounded by these improvements shall be within a dedicated right-of-way. If the area is not already dedicated right-of-way, the applicant shall dedicate the necessary right-of-way to conform to City requirements.

TO: City of Sherwood Planning Commission

FROM: Bob Galati, P.E.
City Engineer, Engineering Department

SUBJECT: Denali PUD (PUD 11-01)

ISSUE: Letter of Concurrence for Request Design Modifications

BACKGROUND:

The applicant provided a request for modification from standard design requirements on two interrelated items; a) allowable street grade and b) design speed.

The applicant provided the City Engineer with rational for this request in the form of;

a) A street centerline alignment profile showing exiting grades and proposed grades

b) Rational for reduction of speed related to reduced centerline curve radius below City standards.

The reason for this request is that the existing topography and available land does not permit compliance with street design standards. The steepness of the land and the short distance between the two connecting roads requires a reduction in the centerline radius and an increase on the overall street grade.

The current standards specified in the Manual are;

a) Maximum unrestrained street grade is 10%, with up to 12% grade for not more than 200 feet.

b) The speed limit within the City for streets classified residential, is 25 mph. The associated centerline curve radius is 150 feet, with a standard 2.5% cross slope.

The change in the maximum street grade up to 15% over the entire street alignment is permissible as this slope is the maximum allowed by TVF&R if the homes are sprinklered. The associated reduction in the centerline alignment radius to 100 feet, requires a reduction of the posted speed limit to 20 mph.

FINDINGS:

1) The proposed design modifications have been proven to be required in order to meet planning requirements for lot size, development density, and building setbacks. Without approval of these design modifications, it is unlikely that the development can meet planning criteria.

2) That application of these design modifications are predicated on approval of the street grade and turning radius by TVF&R.

RECOMMENDATION:

That I concur with the rational and need to support the request for design modifications as stated above.

CleanWater Services

MEMORANDUM

Date: November 14, 2011

To: Michelle Miller, Associate Planner, City of Sherwood

From: Jackie Sue Humphreys, Clean Water Services (the District)

Subject: Denali Planned Unit Development, PUD 11-01, 2S133CB01000

Please include the following comments when writing your conditions of approval:

PRIOR TO ANY WORK ON THE SITE AND PLAT RECORDING

A Clean Water Services (the District) Storm Water Connection Permit Authorization must be obtained prior to plat approval and recordation. Application for the District's Permit Authorization must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 07-20, (or current R&O in effect at time of Engineering plan submittal), and is to include:

a. Detailed plans prepared in accordance with Chapter 2, Section 2.04.2.b-l.

b. Detailed grading and erosion control plan. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans. If site area and any offsite improvements required for this development exceed one-acre of disturbance, project will require a 1200-CN Erosion Control Permit.

c. Detailed plans showing each lot within the development having direct access by gravity to public storm and sanitary sewer.

d. Provisions for water quality in accordance with the requirements of the above named design standards. Water Quality is required for all new development and redevelopment areas per R&O 07-20, Section 4.05.5, Table 4-1. Access shall be provided for maintenance of facility per R&O 07-20, Section 4.02.4.

e. If use of an existing, offsite or regional Water Quality Facility is proposed, it must be clearly identified on plans, showing its location, condition, capacity to treat this site and, any additional improvements and/or upgrades that may be needed to utilize that facility.

Exhibit C

2550 SW Hillsboro Highway • Hillsboro, Oregon 97123
Phone: (503) 681-3600 • Fax: (503) 681-3603 • cleanwaterservices.org

f. If private lot LIDA systems proposed, must comply with the current CWS Design and Construction Standards. A private maintenance agreement, for the proposed private lot LIDA systems, needs to be provided to the City for review and acceptance.

g. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to the City.

h. Site contains a "Sensitive Area." Applicant shall comply with the conditions as set forth in the Service Provider Letter No. 10-002401, dated July 14, 2011.

i. Developer may be required to preserve a corridor separating the sensitive area from the impact of development. The corridor must be set aside in a separate tract, not part of any buildable lot and, shall be subject to a "Storm Sewer, Surface Water, Drainage and Detention Easement over its entirety", or its equivalent.

j. Clean Water Services shall require an easement over the Vegetated Corridor conveying storm and surface water management to Clean Water Services that would prevent the owner of the Vegetated Corridor from activities and uses inconsistent with the purpose of the corridor and any easements therein.

k. Detailed plans showing the sensitive area and corridor delineated, along with restoration and enhancement of the corridor.

l. Provide DSL and Corps of Engineers permits for any work in the wetlands or creek prior to any on site work, including grading and erosion control. Include permit number on cover sheet of plans or provide concurrence with the delineation.

m. Any proposed offsite construction activities will require an update or amendment to the current Service Provider Letter for this project.

CONCLUSION

This Land Use Review does not constitute the District's approval of storm or sanitary sewer compliance to the NPDES permit held by the District. The District, prior to issuance of any connection permits, must approve final construction plans and drainage calculations.

Tualatin Valley Fire & Rescue

November 17, 2011

Michelle Miller
Associate Planner
City of Sherwood

Emerio Design
Neil Fernando/Kristen Vanloo

Re: Denali Planned Unit Development PUD 11-01
Tax Lot 2S1W33 CB Tax Lot 1000

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. Tualatin Valley Fire & Rescue endorses this proposal predicated on the following criteria and conditions of approval:

1) ☐ **FIRE APPARATUS ACCESS ROAD EXCEPTION FOR AUTOMATIC SPRINKLER PROTECTION:** When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access may be modified as approved by the fire code official. (OFC 503.1.1) ***Note: If residential fire sprinklers are elected as an alternate means of protection and the system will be supported by a municipal water supply, please contact the local water purveyor for information surrounding water meter sizing.***

2) ☐ **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (12 feet for up to two dwelling units and accessory buildings), and an unobstructed vertical clearance of not less than 13 feet 6 inches. Where fire apparatus roadways are less than 26 feet wide, "NO PARKING" signs shall be installed on both sides of the roadway and in turnarounds as needed. Where fire apparatus roadways are more than 28 feet wide but less than 32 feet wide, "NO PARKING" signs shall be installed on one side of the roadway and in turnarounds as needed. Where fire apparatus roadways are 32 feet wide or more, parking is not restricted. (OFC 503.2.) ***The fire district does not endorse the design concept wherein twenty feet of unobstructed roadway width is not provided.***

3) ☐ **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)

4) ☐ **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 60,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading. (OFC D102.1)

5) ☐ **TURNING RADIUS:** The inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & 103.3)

6) ☐ **GRADE:** Fire apparatus access roadway **grades shall not exceed 10 percent.** Intersections and turnarounds shall be level (maximum 5%) with the exception of crowning for water run-off. When fire

sprinklers are installed, **a maximum grade of 15% may be allowed**. **The approval of fire sprinklers as an alternate shall be accomplished in accordance with the provisions of ORS 455.610(5). (OFC 503.2.7 & D103.2)**

7) ☐ **SINGLE FAMILY DWELLINGS - REQUIRED FIRE FLOW:** The minimum available fire flow for single family dwellings and duplexes served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to IFC Appendix B. (OFC B105.2) ***Prior to issuance of a building permit, provide evidence of a current fire flow test of the nearest fire hydrant demonstrating available flow at 20 PSI residual pressure.***

8) ☐ **FIRE HYDRANTS – ONE- AND TWO-FAMILY DWELLINGS & ACCESSORY STRUCTURES:** Where a portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided. (OFC 507.5.1)

9) ☐ **FIRE HYDRANT NUMBER AND DISTRIBUTION:** The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in Appendix C, Table C 105.1.

Considerations for placing fire hydrants may be as follows:

- Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants.
- Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the fire code official.
- Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets only as approved by the fire code official.
- Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the fire code official.

10) ☐ **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be blue. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the reflectors accordingly. (OFC 510.1)

11) ☐ **PHYSICAL PROTECTION:** Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6)

12) ☐ **CLEAR SPACE AROUND FIRE HYDRANTS:** A 3 foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5)

13) ☐ **ACCESS AND FIRE FIGHTING WATER SUPPLY DURING CONSTRUCTION:** Approved fire apparatus access roadways and fire fighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 1410.1 & 1412.1)

14) ☐ **PREMISES IDENTIFICATION:** Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet numbers. Numbers shall be a minimum of 4 inches high with a ½ inch stroke. (OFC 505.1)

15) ☐ **ANGLE OF APPROACH AND DEPARTURE:** The angles of approach and departure for fire apparatus roads shall not exceed 8 Degrees. (OFC 503.2.8, NFPA 1901)

If you have questions or need further clarification, please feel free to contact me at 503-259-1504

Sincerely,

John Wolff

John Wolff
Deputy Fire Marshal II

Fact Sheet

Former Ken Foster Farm

In September of 2005, the Oregon Department of Environmental Quality (DEQ), in cooperation with the United States Environmental Protection Agency (EPA), completed a Preliminary Assessment (PA) of the former Ken Foster Farm site in Sherwood.

Since publication of the PA, independent site investigations were completed by two property owners. The purpose of this fact sheet is to summarize findings of more recent work and the pending EPA site investigation.

Background

The former Ken Foster farm site is a 40 acre tract of former pasture land in southeast Sherwood. In recent years, the former pasture was subdivided into eleven smaller tracts and redeveloped as very-low-density residential properties.

DEQ uncovered records from the former Frontier Leather Company (FLC; ECSI #116) indicating that they land applied tannery wastes to the pasture during the 1960's. Frontier Leather Company operated a leather tannery about ½ mile north of the pasture from about 1947 to 1999. The tannery site is the subject of on-going environmental investigation and cleanup under DEQ oversight.

Land applied tannery wastes included animal hides, tissue, fat and hide splits. Based on investigations of the FLC facility, tannery wastes contained elevated chromium and other metals and trace levels of volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs) and pesticides. DEQ, therefore, recommended in the PA that further investigation be performed to assess potential contamination at the Ken Foster Farm site.

Based on the information in the PA, one of the property owners on the former Ken Foster Farm site independently initiated soil sampling in the Fall of 2005 to determine if elevated concentrations of chromium or other metals were present on his property. Laboratory results confirmed that elevated concentrations of chromium and other metals were present in site soils. A preliminary risk assessment completed by the property owner's contractor indicated potential health risks posed by the contaminated soil at the site.
A second property owner completed sampling of their property in March 2006. The soil sampling results from this parcel showed lead and chromium at levels similar to the first parcel investigation

Sampling performed to date indicates metals lead and chromium in site soils attributable to historical land application of tannery wastes at the site. As discussed below, DEQ and EPA are moving forward with a property-wide investigation to better-define the potential threat to human health and the environment.

Next Steps

DEQ has reviewed and commented on a work plan for an independent investigation of two additional parcels at the site. This work is scheduled to be completed in early summer.

In April of 2006, EPA Region 10 initiated plans to perform a site assessment at the former Ken Foster Farm site. EPA and DEQ are now in the process of developing a work plan for additional site testing and coordinating these plans with site owners and residents. EPA expects to be in the field collecting soil and well water samples in late June or early July. The findings from these sampling efforts will be used to determine the need and priority for any soil cleanup actions or other measures to protect human health and the environment.

For more information

For more information about the site, contact Steve Fortuna at the DEQ Northwest Region Office at 503-229-5166 or Joanne LaBaw at EPA Region 10 at (206) 553-2594.

State of Oregon
Department of Environmental Quality
www.deq.state.or.us

Northwest Region Site Assessment
2020 SW 4th Avenue
Portland, OR 97201
Phone: (503) 229-5166
(800) 452-4011
Fax: (503) 229-6945
Contact: Steve Fortuna
fortuna.steve@deq.state.or.us

U.S. EPA – Region 10
1200 Sixth Avenue
Seattle, WA 98101
Phone: (206) 553-2594
Fax: (206) 553-2106
Contact: Joanne LaBaw
labaw.joanne@epa.gov

Exhibit E

Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

City of Sherwood
22560 SW Pine St.
Sherwood, OR 97140
Tel 503-625-5522
Fax 503-625-5524
www.sherwoodoregon.gov

Mayor
Keith Mays

Council President
Dave Grant

Councilors
Linda Henderson
Robyn Folsom
Bill Butterfield
Matt Langer
Krisanna Clark

City Manager Pro Tem
Tom Pessemier

2009 Top Ten Selection

2007 18th Best Place to Live

Sherwood 2006 All-America City Finalist

DATE: December 5, 2011

TO: Sherwood City Planning Commission

FROM: Planning Department

SUBJECT: December 13, 2011 PC Meeting

The purpose of this memorandum is to remind you that the work session materials for the upcoming work session were provided in last month's packet, and are not being reproduced and provided along with this month's packet. If you need additional copies, please contact Brad at (503)625-4204, or refer to the Planning Commission website.

Also, we have attached an issue paper related to the density calculations within commercial and mixed use projects. We bring this to you now with the hope that we can resolve this language at the same time that you consider the Commercial, Industrial, Public and Institutional Uses.

Thank you.

Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

City of Sherwood
22560 SW Pine St.
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2009 Top Ten Selection

2007 18th Best Place to Live

Sherwood 2006 All-America City Finalist

DATE: December 5, 2011

TO: Sherwood Planning Commission

FROM: Brad Kilby, AICP

SUBJECT: Density Calculations in Commercial Mixed Use projects **(issue paper)**

The purpose of this memorandum is to discuss how the City should determine the appropriate mix of residential and commercial uses within proposals for mixed use projects in commercial zones.

Issue

As the Planning Commission considered the Commercial uses, staff has also identified the need to discuss the allowance of residential uses in these zones. The primary concern related to the current provisions is that there is no minimum requirement for the amount of commercial space that needs to be provided when residential uses are proposed. While the Conditional Use provisions provide some guidance that makes it clear commercial uses are required, the Planned Unit Development provisions provide no guidance making it unclear whether through a PUD a development could circumvent the zoning requirements without a zone change.

The question is whether more specificity is needed in the conditional use and planned unit development provisions to ensure a certain amount of commercial is provided when residential is proposed.

Background

Currently, multi-family developments located within the commercial zones are permitted through a planned development at densities of 16.8 to 24 dwelling units per acre. This is also within the range of the prescribed density for the High Density Residential zone.

It should also be noted that a developer or property owner could request approval of residential apartments in the commercial zones through the conditional use process when they are located on the upper floors, in the rear of, or otherwise clearly secondary to a commercial building. The language is essentially the same in all zones

except that the Office Retail zone allows, "Multi-family residential, including apartments, condominiums and townhouses when located on the upper floors…"

Further, the Retail and General Commercial zones stipulate, "The residential portion of a mixed-use can be considered clearly secondary to commercial uses in mixed-use developments when traffic trips generated, dedicated parking spaces, signage and the road frontage of residential uses are all exceeded by that of the commercial component, and the commercial portion of a site is located primarily on the ground floor."

Surrounding Community Practices

Tigard

The Community Commercial (CC) zoning district Housing is permitted on or above the second floor of commercial structures at a density not to exceed 12 units/net acre.

The Mixed Use Employment (MUE) district The MUE zoning district is designed to apply to a majority of the land within the Tigard Triangle, a regional mixed-use employment district bounded by Pacific Highway (Hwy. 99), Highway 217 and I-5. This zoning district permits multi-family housing at a maximum density of 25 units/acre.

The Mixed Use Commercial (MUC) district - The MUC zoning district includes land around the Washington Square Mall and land immediately west of Highway 217, and permits mixed-use developments and housing at densities of 50 units per acre.

The Mixed Use Commercial -1 district permits housing at a minimum density of 25 units/acre and a maximum of 50 units/acre.

Lake Oswego

Allows a wide range of residential densities in their commercial zones. The uses can be on the ground floor provided they are located to the rear of a commercial use or above it.

Gresham

Mixed-Use Development is permitted provided the development remains primarily commercial. This is achieved by having: 1) at least 51% of the site's ground floor uses be commercial uses and 2) at least 75% of the linear street footage be fronted by a ground floor commercial use. The street frontage requirement only applies to a street classified as principal arterial, arterial or boulevard. The 75% standard does not apply to those parts of street not fronted by a building due to a driveway or other site element required by the Development Code, such as a required buffers or height transition areas.

Wilsonville
Any use allowed in a PDR Zone or PDI Zone, provided the majority of the total ground floor area is commercial, or any other commercial uses provided that any such use is compatible with the surrounding uses and is planned and developed in a manner consistent with the purposes and objectives of Section 4.140. (Planned Developments)

Portland
For new development, at least one square foot of residential development is required for each square foot of limited nonresidential floor area.

Discussion

The primary purpose for commercial zones is to preserve lands that are in locations conducive to promoting and operating businesses. By allowing multi-family uses within commercial zones the community:

- Expands its housing base in a location where people would have the option to live where they work.
- Potentially removes cars from the transportation system, and Increases densities in commercially vibrant areas in a manner that supports transit alternatives; and
- Locates development in areas with existing public facilities

The current Code language certainly allows for mixed use development and provides two separate permitting avenues to accomplish it. The Planned Development option requires review and approval by both the Planning Commission and the City Council; , however with no minimum amount of commercial, it could be seen as an avenue to circumvent the zoning (and the purpose of the zone) without the requirements associated with a zone change. The Conditional Use option requires review and approval by the Hearings Officer and generally has limits on how much can be residential compared to commercial. The conditional use permit minimizes process to potential developers, but removes the flexibility afforded to the Planning Commission and City Council by the Planned Unit Development process as currently provided.

Options

The following options are offered for the Planning Commissions consideration of these issues.

1. Leave the Code as is
2. Clarify that the residential in a PUD is intended to be secondary to the commercial uses or require a certain percent to be commercial
3. Remove the provision for residential through a conditional use or planned unit (pick one process)
4. Change the language across the zones to be consistent with RC and GC Zones regarding how to determine whether the residential use is secondary to the commercial use
5. Add a minimum floor area for commercial uses when mixed use is proposed
6. Consider one of the adjacent community alternatives

Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

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2009 Top Ten Selection

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DATE: November 22, 2011

TO: Sherwood City Planning Commission

FROM: Planning Department

SUBJECT: November 16th Public Open House

The purpose of this memorandum is to let you know about our recent open house at the YMCA Teen Center. As many of you already know, the purpose of the open house was to reach out to the public, provide information on the current code clean-up items, and gather feedback. We had approximately 14 people show up on a rainy and blustery evening.

The format was set up in a manner intended to engage the public on the four following code clean-up topics:

- Temporary and Portable Signs
- Commercial, Industrial, Public and Institutional Uses
- Parking Lot Landscaping and Configuration
- Trees on Private Property

The evening began with a general overview and reminder of what the code clean-up process is, an update on our progress, and a general introduction to each one of the topics being discussed that evening. Following the introduction, we invited people to visit a station that included boards that provided an overview of the specific language being considered based on our past discussions with the Planning Commission on each topic.

The planner responsible for each of the topics was available at each station to answer specific questions, and listen to any concerns or feedback with each of the items. In addition, the public was provided with a comment card that also provided them with instructions on at least three other ways that they could provide comments on the topics including contact information for staff, directions to the website for each of the topics, and they were invited to visit us at the counter should they have any questions, or need any additional information. Lastly, we informed them of our tentative schedule for each one of the

items and encouraged them to participate at the public hearings on each of the matters.

What we heard

Portable Signs

Regarding temporary and portable signs, we received the following comments:

- We want enforcement to be consistent and fair, but we do want enforcement.
- The proposed regulations appear to be easier to understand, and more flexible than the current language
- Why can't we allow balloons
- There should be an allowance for a 72-hour sign permit that would allow a homeowners association or some similar organization to advertise an annual event such as a homeowner's meeting without having to go through the City's special event process
- The City should consider using different colored stickers as people currently just stick the sign up since they know the sticker colors do not change.
- The signs should be regulated by property as opposed to user.
- The City should be careful not to target businesses and should be enforcing the regulations against residential uses as well.

Overall, the proposed language and objectives were well received. A couple of the attendees indicated that they would provide additional comments through the comment card or via e-mail. We were invited to provide additional information on general City Hall related items through the bi-monthly newsletter that goes out to the Woodhaven residences.

Commercial and Industrial Uses

During the questions and answer session, one citizen wanted to better understand what the intent of this section was. Staff responded that the intent was to use the same terminology consistently across all zones for all types of uses, and to create a use classification system that would assist staff in making interpretations for unlisted uses.

Parking Lot Landscaping and Configuration

There were two comments regarding the Parking Lot Landscaping and Configuration. One attendee felt that multi-family developments needed higher parking minimums, and the other comment was related to development of the parking area, next to the railroad, near the community center. Staff indicated that the Planning Commission is considering reviewing minimum and

maximum standards, and invited the individual to provide written comments, and/or to attend the upcoming work sessions and hearings on the matter.

The woman who voiced concerns about the railroad parking lot was invited to leave her contact information so that staff could contact her once a formal application was submitted for the improvements. She indicated that she lived right next door, and was concerned about how the improvements to the parking lot might affect trees on her property.

Trees

Although there were not many comments regarding the proposed Trees on Private Property language, we received the following questions:

- There were questions about how we would determine what the mature canopy is on a development. Clarification was requested about canopy requirement.
- Do developments in Old Town need to meet the canopy requirement?
- How are the removal standards for trees on private property (residential) that are not subject to land use approval different from current standards?
- If a developer has donated trees over time do those count toward the required canopy coverage?
- Why are there tree requirements for private property? One participant expressed that if it is their property than they should be able to remove any and all trees that they want to without City regulations.

Finally, we really hope to keep the momentum going on this overall project, and are putting the open house materials in the lobby of the second floor at City Hall as an additional step to involve the community in this process.

We have attached each of the brochures that were handed out at the meeting for your consideration, and encourage you to contact us should you have any questions or ideas that you would like us to consider in moving forward.

We are hoping to have proposed changes for the four items discussed above to the Planning Commission for their consideration as early as January, and would love to have any ideas that you might have as soon as possible. As always, thank you for your time.

City of Sherwood Code Clean-Up Process

What is it?

The code clean-up process is a multi-year effort to perform an in-house review of the Sherwood Zoning and Community Development Code (SZCDC). The SZCDC is a compilation of the design standards that affect property development in Sherwood. The process began in the spring of 2010, and is expected to wrap up in the fall of 2012.

What are we trying to achieve through this process?

The overall goals of the code clean-up process are:

- To ensure that the regulations and processes are easy for the public and developers to use and understand.
- To ensure that the code language reflects current state, federal, and local rules, as well as current community values.
- To strive for flexibility while ensuring that the development standards are clear and objective; and
- To review process and procedures to ensure the language is applied consistently to every development project in the City.

How is the process coming along?

At the outset of the project, planning staff, the Planning Commission and City Council identified the items within the existing code to review. Over the course of the last year, we have researched, reviewed, and drafted language on many of the identified topics. In fact, we are almost half way through the project, and this open house is just one of several outreach efforts to keep the community involved.

How can I stay informed or get involved?

There are many ways that you can do both:

- Attend open houses and other public input opportunities
- Express your interest to staff for focus groups or subcommittees that may be formed to discuss specific topics you are interested in
- Attend Planning Commission and City Council work sessions and public hearings.
- Review Planning Commission and City Council agendas as well as packets that are being considered for the meetings online at www.sherwoodoregon.gov
- Stop by our offices located above the library between the hours of 8AM and 5PM Monday through Friday, or
- Contact planning staff at (503) 925-2308 or by e-mail at planning@sherwoodoregon.gov

TELL US WHAT YOU THINK

The following table lists the status of the specific topics being reviewed.

Code Topic	Status
Simple housekeeping updates	Complete
Public Involvement/Notice	Complete
Application Submittal Requirements	Complete
Open Space Requirements	Complete
Variances and Adjustments	Complete
Use Classifications (Residential)	Complete
Street Tree Removal Standards	Complete
Fences and Yards	Complete
Public Improvements	Complete
Subdivisions, Partitions, and Lot Line Adjustments	Complete
Modifications to Site Plans	Complete
Temporary Uses	Council Hearing December 6, 2011
Tree Removal and Mitigation	In Process
Temporary Signs	In-Process
Parking Lots (Landscaping, Configuration, etc.)	In Process
Use Classifications (Commercial)	In Process
Use Classifications (Industrial)	In Process
Use Classifications (Public and Institutional)	In Process
Density calculations within Commercial Mixed Use projects	2012
Minimum lot size clarification	2012
Design Standards for Apartment Complexes	2012
Planned Unit Developments	2012
Definitions	2012
Old Town Standards	2012
Conditional Uses	2012
Non-conforming Uses	2012
Final housekeeping and organization	2012

The purpose of this review is to review and simplify the existing code language. Proposed language focuses on:

- Size
- Number
- Location,
- Duration

TEMPORARY AND PORTABLE SIGNS

What signs would be affected by the project?

- **Temporary Signs** - Signs that are firmly affixed to a temporary structure. Characteristics include signs constructed of **rigid materials** attached to wood or metal posts that do not require footings.

- **Portable Signs** - Small moveable signs that are not attached to a building or any other permanent structure. These signs include signs on wood or wire stakes, A-frame signs, feather signs, etc.

- **Banner Signs** - Signs made of lightweight fabric, or other **non-rigid material**, supported by two or more points to a building.

In a nutshell…

The existing code language:

- Treats temporary/portable signs the same
- Exempts temporary/portable signs from permitting Tues., Thurs – Sun
- All signs require permits
- Definitions in two separate locations
- Regulates size of banner signs in combination with wall signs
- Only allows banner signs to be located on the side of a building
- Prohibits A-frame and banner signs in all residential* and industrial districts.
- Allows up to 4 portable signs per property
- Allows up to 2 temporary signs per property

Proposed code language:

- Differentiates between Temporary and Portable Signs
- No more exemptions
- Signs in right-of-way and banner signs would require a permit
- Definitions moved to front of sign chapter
- Limits size of banner signs to 32 square feet
- Allows A-frame and banner signs in all districts
- Prohibits banner signs on single-family residences
- Allows banner signs to be attached to a fence, wall, or building
- Other changes include allowance for an additional projecting sign, and the deletion of a content related provision from the permanent sign code

FOR MORE INFORMATION, CONTACT BRAD KILBY AT (503)625-4206

OR

VISIT WWW.SHERWOODOREGON.GOV

PARKING LOT LANDSCAPING

The Details.....

Canopy Factor Results in.....

- If Greater than 90= large tree
- From 40 -90 = medium tree
- Less than 40 = small tree

Type of Landscaping	Number per parking space
Small Tree	1 tree per 2 spaces
Medium Tree	1 tree per 3 spaces
Large Tree	1 tree per 4 spaces
Shrubs	2 shrubs per space
Ground cover	Covers the remainder of the site within 3 years

Example of Small Tree

Example of Medium Tree

Example of Large Tree

New Landscape Island Spacing

Zone	Landscape Island Spacing
Residential	1 per every 8 spaces
Commercial, Multi-Use, Civic	1 per every 10 spaces
Industrial	1 per every 12 spaces

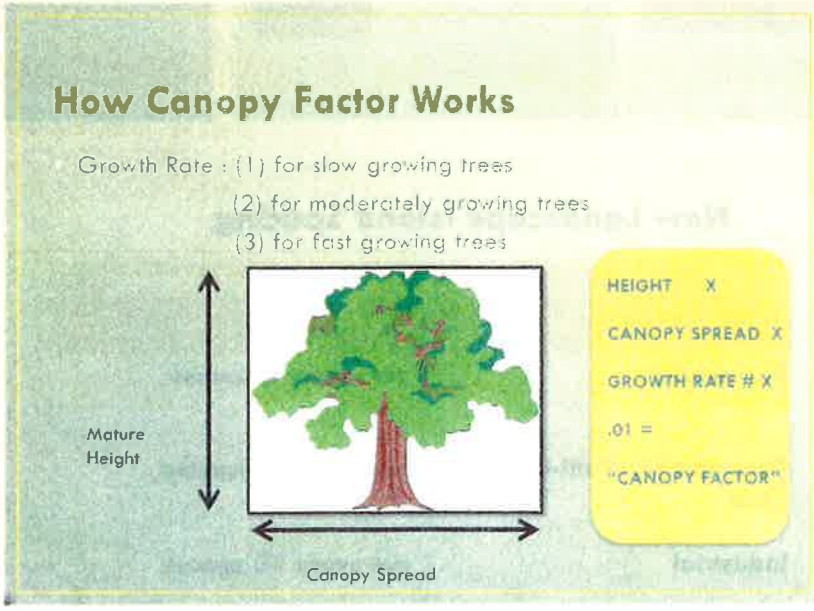
PARKING LOT LANDSCAPING

Problems Identified:

1. **Not enough landscaping in the parking area**
2. **Not enough trees in parking areas**
3. **Wide expanses of parking area without clear**

Proposed Updates to the Standards

* Categorize trees for landscaping as small, medium and large
* Size of the tree is based on the **Canopy Factor Formula**
* 45 square feet of landscaping for each parking space
* All landscape islands must include at least one tree
* Landscaping must be able to grow in our climate
* Existing vegetation counts toward landscape requirements
* Create better internal pedestrian pathway standards



Trees on Private Property Code Clean – Up

KEY CONCEPTS

Tree removal for sites Subject to Land Use Review

- The language has been updated to provide standards that are easy to understand and apply in practice.
- Requirements are being considered including a 40% total tree canopy for each residential development and a 30% total tree canopy for each non-residential or multi-family development.
    - A new development with no trees will be required to plant a certain amount of trees to reach the desired canopy percentage.
    - Sites with existing trees can use existing trees to meet the canopy percentage provided they are preserved as part of the proposed development plan.
    - These measures are proposed to encourage the retention of mature canopy over new plantings that take a while to make up the target canopy.
- The canopy requirement eliminates the inch for inch mitigation standard since developers will retain trees or add trees based on the mature canopy that they will produce.
- The standards in our existing code are currently the same for residential and non-residential zones. The new standards are intended to require residential areas to plant or retain more trees than non-residential
    - The intent of the non-residential zones are different and typical development has less opportunity to be flexible in the design to retain trees
    - Non-residential sites typically require more landscaping and screening which will help to fulfill the canopy targets for non-residential projects.
- Flexible incentive criteria have also been created to encourage the retention of additional existing mature trees.

Tree removal for sites Not Subject to Land Use Approval

- The language has been updated to provide standards that are easy to understand and apply in practice.
- The standards have been separated for residential and non-residential
- The removal criteria have a simplified process to remove more trees than permitted by right without a site plan review.